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ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Reinstatement of Revoked Operating Authority

2) Code Citation: 92 Ill. Adm. Code 1236

3) Section Numbers: 1236.10
Proposed Action:
New Section

4) Statutory Authority: Implementing Section 1704 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 18c-1101 et seq.).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes the criteria for the Commission to consider when reinstating revoked operating authorities.

6) Will this proposed rule replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date: No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Kathy Campbell
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Comments should be filed with within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 3, 1993
- B) Types of small businesses affected: This amendment will affect those common and contract carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rule begins on the next page:

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ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION

CHAPTER III: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER B: MOTOR CARRIERS OF PROPERTY

PART 1236

REINSTATEMENT OF REVOKED OPERATING AUTHORITY

Section

1236.10 Reinstatement of Revoked Operating Authority

AUTHORITY: Implementing Section 18c-1704 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18c-1101 et seq.) [625 ILCS 5/18c-1101 et seq.].

SOURCE: Adopted at 17 Ill. Reg. , effective

Section 1236.10 Reinstatement of Revoked Operating Authority

An intrastate common or contract authority which has been revoked by operation of law in accordance with the provisions of Section 18c-1704 of the Illinois Commercial Transportation Law ("the Law") (Ill. Rev. Stat. 1991, ch. 95 1/2, pars 18c-1101 et seq.) [625 ILCS 5/18c-1101 et seq.] shall be reinstated subject to the provisions listed below.

- A petition to reinstate must be filed with the Commission within one year of the revocation date. The Commission will not consider a petition for reinstatement that is not timely filed.
- The petition to reinstate must be accompanied by the required reinstatement fee.
- The condition for which the authority was revoked must have been remedied at the time the petition to reinstate is filed.
- All other conditions for continued good standing (rates, insurance, annual report, etc.) must be met at the time the petition to reinstate is filed.
- A petition for reinstatement which is timely filed, but which is filed in regards to an authority for which payment of a monetary settlement or civil penalty assessment is delinquent, will be held pending payment of the full settlement or assessed amount.

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hazardous Waste Management System: General

2) Code Citation: 35 Ill. Adm. Code 720

3) Section Numbers: Proposed Action:

720.110 Amendment

720.111 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].

5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's Proposed Opinion of May 27, 1993, in 893-4, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027) provides that the Board shall promulgate rules to carry out the provisions of Section 3 of the Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1-4). This rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to reflect amendments to the Federal Register published in the Federal Register during the period July 1 through December 31, 1992. Specifically, the amendments to Part 720 add definitions to address the new proposed Sections regulating containment buildings and new Part 739: Used and Waste Oil.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference?

No. 35 Ill. Adm. Code 720.111 is a centralized listing of all incorporations by reference for Parts 721 through 739. References used throughout these Parts are centrally listed in this Section. The present rulemaking amends the incorporations by reference for documents incorporated by reference in Parts 721 through 739. It is intended that they further update the edition of all references to the Code of Federal Regulations for use in all Parts wherever they appear.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the collection, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

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POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R93-4 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Data rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 2, 1993.
- B) Types of small businesses affected:
The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The present amendments may affect those businesses engaged in those activities.
- C) Reporting, bookkeeping or other procedures required for compliance:
The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The present amendments may affect these requirements for affected entities.
- D) Types of professional skills necessary for compliance:
Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The present amendments may affect these requirements for affected entities.

The full text of the proposed amendments begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL
SUBPART A: GENERAL PROVISIONS

Section
720.101 Purpose, Scope and Applicability
720.102 Availability of Information; Confidentiality of Information
720.103 Use of Number and Gender

SUBPART B: DEFINITIONS

Section
720.110 Definitions
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section
720.120 Rulemaking
720.121 Alternative Equivalent Testing Methods
720.122 Waste Determinations
720.123 Preliminary Solid Waste Determinations
720.131 Solid Waste Determinations
720.132 Boiler Determinations
720.133 Procedures for Determinations
720.140 Additional regulation of certain hazardous waste Recycling
Procedures for case-by-case regulation of hazardous waste
Recycling Activities

720. Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 1114, para. 1022.4 and 1027 (415 ILCS 5/22.4 and 5/27)).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 5 Ill. Reg. Adm. Code 700.106, amended in 5 Ill. Reg. 9781, effective in 5 Ill. Reg. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 14001, effective September 24, 1986; amended in R87-5 at 11 Ill. Reg. 13435, effective effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 13280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 1, 1988; amended in R88-16 at 13 Ill. Reg. 13278, effective December 1, 1988; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9,

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1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R92-10 at 17 Ill. Reg. 5625; effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. _____, effective _____.

SUPPORT B: DEFINITIONS

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 726 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.)

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage or disposal operations are being or have been conducted (see May 17, 1980, "Closed Portion" and "Inactive Portion").

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to storage or treatment (see May 17, 1980, "Closed Portion" and "Inactive Portion") to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

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The unit must have physical provisions for recovering and separating liquids, gases, vapors, solids, sludges, or heated gases; and the unit's combustion chamber and primary energy recovery Section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery Section(s) (such as waterwalls or superheaters) must be physically formed into one manifolded unit, and the unit must have provisions for the combustion chamber and the primary energy recovery Section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the primary energy recovery Section(s) of the unit.

Section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed Portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Container" means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

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Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana and Texas

Region VII: Nebraska, Kansas, Missouri and Iowa

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah and Colorado

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho and Alaska

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility in which physical construction or physical construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, state and local approvals or permits necessary to begin physical construction and either:

a continuous on-site, physical construction program had begun or

The owner or operator had entered into contractual obligations -- which could not be cancelled or modified without substantial loss for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to July 14, 1986. Installation of the system or component must be completed or the owner or operator must obtain all needed federal, state and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations -- which cannot be canceled or modified without substantial loss -- for physical construction of the site or installation of the tank system to be completed within a reasonable time.

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"Facility" means all contiguous land and structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste. A facility may consist of one or more treatment, storage or disposal units (e.g., one or more landfills, surface impoundments or combinations of them).

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable federal, state and local laws, rules and regulations under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Federal agency" means any department, agency or other instrumentality of the federal government, including any or establishment of the federal government including any government corporation and the Government Printing Office.

"Federal, state and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state and local laws, rules and regulations, and regulations or ordinances.

"Food-chain crops" means tobacco, crops grown for human consumption and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produce hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent which caused the hazardous waste to be listed in 35 Ill. Adm. Code 721.Subpart D, or a constituent listed in of 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on which hazardous waste is placed or stored, including any structure or facility which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a

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unit; the unit includes containers and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither:

Meets the criteria for classification as a boiler, sludge dryer or carbon regeneration unit, nor

Is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste which is suitable for:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Comingling with another waste or material under uncontrolled conditions because the comingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases or flammable fumes or gases.

(See 35 Ill. Adm. Code 725.Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that require thermal treatment to accomplish recovery of materials or energy:

Cement kilns

Lime kilns

Aggregate kilns

Phosphate kilns

Coke ovens

Blast furnaces

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces)

Titanium dioxide chloride process oxidation reactors

Methane reforming furnaces

NOTICE OF PROPOSED AMENDMENTS

Pulping liquor recovery furnaces

Combustion devices used in the recovery of sulfur values from spent sulfuric acid

Halogenic acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a hazardous waste treatment, storage and disposal unit. When acid content of at least 19%, this acid product is used in a manufacturing process and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20%, as generated.

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials or feedstocks in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Infrared incinerator" means any enclosed device which uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility which is treating, storing or disposing of hazardous waste.

"Injection well" means a well into which fluids are being

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injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation Inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in a land which is not a pit, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, an underground mine or a cave.

"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"LDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials placed on the surface of a surface impoundment, landfill, or landfill cell which restricts downward migration of constituents of hazardous waste, hazardous waste constituents or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure of a tank or container or the liner of a landfill cell, or the failure of liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary containment structure and the failure of the secondary containment structure of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste.

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"Manifest" means the shipping document originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722.Subpart B.

"Manifest document number" means the USEPA twelve digit identifier assigned to the generator plus a unique five digit document number. The manifest by the generator is for recording and reporting purposes.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored or disposed of and which is not a container, tank, tank system, surface impoundment, pile, land treatment facility, landfill, or underground injection well with a capacity of less than 1000 gallons. It is not eligible for a research, development and demonstration permit under 35 Ill. Adm. Code 730, Containment building, or a unit under 35 Ill. Adm. Code 703.231.

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986, except, however, for purposes of 35 Ill. Adm. Code 724.283(6)(9)(2), a new tank system is one for which construction commences after July 14, 1986. (See also "Existing tank system".)

"Onground tank" means a device meeting the definition of "tank" that is situated in such a way that the bottom of the tank is on the ground and the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads in the right-of-way. It includes the right-of-way as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

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Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"operator" means the person responsible for the overall operation of a facility.

"owner" means the person who owns a facility or part of a facility.

"partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility which contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment system) at a facility which contains other active hazardous waste management units, while other units of the same facility continue to operate.

"person" means an individual, trust, firm, joint stock company, federal agency corporation, including government corporation, partnership, association, joint venture, unincorporated firm, political subdivision of a state or any interstate body.

"personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose employment is subject to the requirements of 35 Ill. Adm. Code 724 or 725.

"pile" means any noncontainment accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"plasma arc incinerator" means any enclosed device which uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"point source" means any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310-110.

"qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as

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demonstrated by state registration, professional certifications or completion of accredited training programs. The Board may require groundwater monitoring and contaminant fate and transport.

BOARD NOTE: "State registration" includes, but is not limited to, registration as a professional engineer with the State Board of Engineers, Professional Engineers and Surveyors, 1991 Ch. 111, par. 5201 (225 ILCS 325/1) and 68 Ill. Adm. Code 1380. "Professional certification" includes, but is not limited to, certification under the certified ground water professional program of the National Ground Water Association.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

"Representative sample" means a sample of a universe or whole which exhibits the average properties of the universe or whole.

"Replacement unit" means a landfill, surface impoundment or waste pile unit from which all or substantially all of the waste is removed, of hazardous waste. "Replacement unit" does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply or pollution control treatment facility. It includes the treated effluent from a wastewater treatment plant.

"sludge dryer" means any enclosed thermal treatment device which is used to denature sludge and which has a minimum capacity of 2500 Btu/lb or less of sludge treated on a wet weight basis.

"Small Quantity Generator" means a generator which generates less than 1000 kg of hazardous waste in a calendar month.

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"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Soak" means to either absorb or adsorb, or both.

"Pump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment or disposal facilities; except that, as used in the landfill, surface impoundment and waste pile rules, "pump" means any lined pit or reservoir that serves to collect liquids drained from tanks and is used in conjunction with a collection and treatment system for subsequent removal from the system.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes which are subject to leachate collection and injection with water. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of noncombustible material (e.g., wood, concrete, steel, plastic) which provides structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation and microwave discharge. (See also "incinerator" and "open burning".)

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste from the treatment process. The waste is neutralized during treatment. An example is a pipe in which waste acid is neutralized.

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"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas and other facilities where hazardous waste is held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

"Treatability study" means:

A study in which a hazardous waste is subjected to a treatment process to determine:

Whether the waste is amenable to the treatment process.

What pretreatment (if any) is required.

The optimal process conditions needed to achieve the desired treatment.

The efficiency of a treatment process for a specific waste or wastes. Or,

The characteristics and volumes of residuals from a particular treatment process.

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner and leachate treatment and other materials compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

"Treatment" means any method, technique or process, including incineration, pyrolysis, chemical, physical, chemical-biological character or composition of the waste, so as to neutralize such waste, or so as to recover energy or material resources from the waste or so as to render such waste non-hazardous or less hazardous, safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well or through a dug well, where the depth of the dug well is greater than the largest

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surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Unsaturation zone" or "zone of aeration" means the zone between the land surface and the water table.

"USEPA" means United States Environmental Protection Agency.

"Used oil" means any oil that has been refined from crude oil or refined from waste oil and which is contaminated by such use as to be contaminated by physical or chemical impurities.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in this section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

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"Well injection" (See "underground injection").

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 720.111 References

a) The following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic Protection of Underground Petroleum Storage Tanks and Pipelines," API Recommended Practice 1632, Second Edition, December, 1987.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, (412) 232-3444:

APTI Course 415: Control of Gaseous Emissions, EPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722:

"Chemical Plant and Petroleum Refinery Piping," ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and

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Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D92-85, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, Approved March 30, 1990.

ASTM D2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-86, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved October 31, 1986.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Thermal, Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM Method G21-70 (1984a) --- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fuels

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ASTM Method G22-76 (1984b) --- Standard Practice for Determining Resistance of Plastic to Bacteria.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Guidance on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-130-998 (Supplement)).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document number PB91-120406).

"Petitions to Delist Hazardous Wastes -- A Guidance Manual", EPA/530-SW-85-003, April, 1985. (Document Number PB 85-194488).

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820).

"Screening Procedures for Estimating the Air Quality Impact of Secondary Sources", August, 1988 (Document number PB89-193996).

"Test Methods for Evaluating Solid Waste,

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Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982, as amended 1984) (Update I (April, 1985)) (Document number PB 87-120291).

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982, as amended 1984) (Update I (April, 1985)) (Document number PB88-219223) as amended by Revision 1 (December 1987) and First Update, January, 1988) (Document Number PB89148076)).

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980.

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

USEPA. Available from USEPA, Number F-90-WPW-FFFFF, Room M2427, 401 M Street SW, Washington, D.C. 20460, (202) 475-9327:

"Test Method 8290: Procedures for the Detection and Measurement of PCDDs and PCDFs", EPA/530-SW-91-019 (January, 1991)

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

10 CFR 20, Appendix B (19942)

40 CFR 51.100(1) (19942)

40 CFR 60 (19942)

40 CFR 61, Subpart V (19942)

40 CFR 136 (19942)

40 CFR 142 (19942)

40 CFR 220 (19942)

40 CFR 260.20 (19942)

40 CFR 264 (19942)

40 CFR 302.4, 302.5 and 302.6 (19942)

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40 CFR 761 (1991)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 17 Ill. Reg. , effective)

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Regulations for use in all parts wherever they appear.

9) Are there any other amendments pending on this Part? No.

10) **Statement of Statewide Policy Objectives:**

- This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R93-4 and be addressed to:

Ms. Dorothy M. Gunn. Clerk

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 2, 1993.

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The present amendments may affect those businesses engaged in these activities.

c) Reporting, bookkeeping or other procedures required for compliance:

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The present amendments may affect these requirements for affected entities.

The full text of the proposed amendments begins on the next page:

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- b) Materials are solid waste if they are abandoned by being:
- 1) Disposed of; or
 - 2) Burned or incinerated; or
 - 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.
- c) Materials are solid wastes if they are recycled -- or accumulated, stored or treated before recycling -- as specified in subsections (c)(1) through (4), below, if they are:
- 1) Used in a manner constituting disposal.
 - A) Materials noted with a "yes" in column 1 of table in Section 721.133 are solid wastes when they are:
 - i) Applied to or placed on the land in a manner that constitutes disposal; or
 - ii) Used to produce products that are applied to or placed on the land (in which case the product itself remains a solid waste).
 - B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are applied to the land and that is their ordinary manner of use.
 - 2) Burned for energy recovery.
 - A) Materials noted with a "yes" in column 2 of table in Section 721.133 are solid wastes when they are:
 - i) burned to recover energy;
 - ii) Used to produce a fuel or are otherwise contained in fuels (in which case the fuel itself remains a solid waste);
 - iii) Contained in fuels (in which case the fuel itself remains a solid waste).
 - B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are themselves fuels.
 - 3) Reclaimed. Materials noted with a "yes" in column 3 of table in Section 721.133 are solid wastes when reclaimed.
 - 4) Accumulated speculatively. Materials noted with "yes" in column 4 of table in Section 721.133 are solid wastes when accumulated speculatively.

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- d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:
- 1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026 and F028.
 - 2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in Subparts C or D, except for brominated material which meets the following criteria:
 - A) The material must contain a bromine concentration of at least 45%; and
 - B) The material must contain less than a total of 1% of toxic organic compounds listed in Section 721.133.
 - C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
- 3) The following criteria are used to add wastes to the list:
- A) Disposal method or toxicity.
 - i) The materials are ordinarily disposed of, burned or incinerated; or
 - ii) The materials contain toxic constituents listed in Section 721.133 and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and
 - B) The material may pose a substantial hazard to human health and the environment when recycled.
- e) Materials that are not solid waste when recycled.
- 1) Materials are not solid wastes when they can be shown to be recycled by being:
 - A) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
 - B) Used or reused as effective substitutes for commercial products; or
 - C) Returned to the original process from which they are generated without first being reclaimed. The materials must be returned as a substitute for raw materials feedstock, and the process must use raw materials as principal feedstocks.

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- 2) The following materials are solid wastes, even if the recycling involves use, reuse or return to the original process (described in subsections (e) (1) (A) - (C) , above):
- Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or
 - Materials burned for energy recovery, used to produce a fuel or contained in fuel; or
 - Materials accumulated speculatively; or
 - Materials listed in subsections (d)(1), (2), and (d)(2)(1), above.
- f) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing Subtitle C of the Resource Conservation Recovery Act or Section 21 of the Environmental Protection Act who raise a claim that a certain material is not a solid waste must provide documentation that demonstrates that the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a solid waste from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 721.103 Definition of Hazardous Waste

- a) A solid waste, as defined in Section 721.102, is a hazardous waste if:
- It is not excluded from regulation as a hazardous waste under Section 721.104(b); and
 - It meets any of the following criteria:

- It exhibits any of the characteristics of hazardous waste identified in 721.Subpart C. Except that any mixture of a waste from the extraction, beneficiation or processing of ores or minerals excluded under Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under 721.Subpart C is not a hazardous waste if the waste exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred; or, if it continues to exhibit any of the characteristics exhibited by the non-excluded waste prior to its mixture, further, for the purposes of waste identification, the waste is not a hazardous waste, the mixture is also a hazardous waste; if it exceeds

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the maximum concentration for any contaminant listed in Section 721.124 that would for any have been exceeded by the excluded waste alone if the mixture had not occurred; or, if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

- It is listed in 721.Subpart D and has not been excluded from the lists in 721.Subpart under 35 Ill. Adm. Code 720.120 and 720.122.
- It is a mixture of a solid waste and a hazardous waste that is listed in 721.Subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in 721.Subpart C, unless the resultant mixture no longer exhibits any of the characteristics of hazardous waste identified in 721.Subpart C, or unless the solid waste, as excluded from regulation under Section 721.104(b)(7); and, the resultant mixture no longer exhibits any characteristic of hazardous waste identified in 721.Subpart C for which the hazardous waste listed in 721.Subpart D is a characteristic of hazardous waste. Mixtures are still subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.
- It is a mixture of solid waste and one or more hazardous wastes listed in 721.Subpart D, has not been excluded from this subsection (a)(2) under 35 Ill. Adm. Code 720.120 and 720.122; however, the following mixtures of solid wastes and hazardous wastes listed in 721.Subpart D are not hazardous wastes (except as provided in subsection (a)(2)(A) or (B) above): if the operator demonstrates that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities which have eliminated the discharge of wastewater) and:
 - One or more of the following solvents listed in Section 721.131 - carbon tetrachloride, tetrachloroethylene, trichloroethylene - provided that the maximum total weekly usage of these solvents does not exceed 100 gallons; or, if the discharge of these solvents is demonstrated not to be discharged to wastewater divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million; or
 - One or more of the following spent solvents listed in Section 721.131 - methylene chloride, 1,1,1 - trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, carbon disulfide, isobutanol, pyridine, spent

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chlorofluorocarbon solvents - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the number of employees working at the facility's wastewater treatment headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or

- iii) One of the following wastes listed in Section 721.132, Hazardous Waste Cleanup, is listed as being excluded from the petroleum refining industry (EPA Hazardous Waste No. K050); or

- iv) A discarded commercial chemical product, or chemical intermediate listed in Section 721.133, Hazardous Waste Cleanup, is listed as being excluded from the petroleum refining industry (EPA Hazardous Waste No. K050); or
- v) These materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses are those losses from the unloading or unloading operation (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks or process equipment, storage tanks or other equipment; minor leaks from pumps, valves, packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsewater from empty containers or from containers that are rendered empty by that rinsing; or

- v) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D of this Part, provided that the annualized average flow of laboratory wastewater does not exceed 100,000 gallons per year. Wastewater from the headworks of the facility's wastewater treatment or pretreatment system, or provided that the wastes combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pretreatment system. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation.

- vi) Rebuttable presumption for used oil. Used oil is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 721 Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste for example, by using an analytical method from SM-846, Edition 1117, to show that the used

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oil does not contain significant concentrations of halogenated hazardous constituents listed in 721 Appendix H, USEPA Publication SM-846, Third Edition, is available for the cost of \$110.00 from the Government Printing Office, Superintendent of Documents, Washington, DC 20540, or the Superintendent of Documents, 725 North Dearborn Street, Chicago, IL 60610. (Document number 395-001-00000-79547-1202) 723-3238

- ii) The rebuttable presumption does not apply to metalworking oils or fluids containing through a tolling arrangement, as provided in 721.132, Hazardous Waste Cleanup, and 721.133, Hazardous Waste Cleanup, to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

- iii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The presumption does not apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

- b) A solid waste which is not excluded from regulation under subsection (a)(1) above becomes a hazardous waste when any of the following events occur:

- 1) In the case of a waste listed in Subpart D of this Part, when the waste first meets the listing description set forth in Subpart D of this Part.
- 2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in Subpart D of this Part is first added to the solid waste.
- 3) In the case of any other waste (including a waste mixture), when the waste exhibits one or more of the characteristics identified in Subpart C of this Part.

- c) Unless and until it meets the criteria of subsection (d) below:

- 1) A hazardous waste will remain a hazardous waste.
- 2) Specific inclusions and exclusions.

- A) Except as otherwise provided in subsection (c)(2)(B) below, any solid waste generated from the treatment, storage, or disposal of hazardous waste, including any sludge, spill residue, or other material, or any leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not

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the end of the calendar year, but no later than December 31. The notification must include the following information: The name and address of the generator; The name and address of the waste shipment; The US EPA hazardous waste number and treatability group at the initial point of generation; The treatment standards applicable to the waste at the initial point of generation. The certification must be signed by a person authorized to certify on behalf of the generator and must state as follows:

"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no hazardous waste has been excluded or excluded I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

BOARD NOTE: The generic exclusion levels for arsenic and zinc are higher than the HWM based alternative treatment standards for K062 and F006, and HWM based treatment standards for K061, specified in 35 Ill. Adm. Code 728.141. However, the HWM residues must meet the exclusion levels for arsenic and zinc for a generic exclusion. Therefore, the treated residues must meet the lower of either the treatment standards or the generic exclusion levels for each constituent.

- d) Any solid waste described in subsection (c) above is not a hazardous waste if it meets the following criteria:
- 1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart D of this Part, or is derived from a waste listed in Subpart D of this Part, it also has been excluded from subsection (c) above under 35 Ill. Adm. Code 720.120 and 720.122.
 - 2) In the case of a waste which is a listed waste under Subpart D of this Part, contains a waste listed under Subpart D of this Part or is derived from a waste listed in Subpart D of this Part, it also has been excluded from subsection (c) above under 35 Ill. Adm. Code 720.120 and 720.122.
- e) Notwithstanding subsections (a) through (d) above and provided the debris as defined in 35 Ill. Adm. Code 728 does not exhibit a characteristic identified at 721 Subpart O, the following materials are not subject to regulation under 35 Ill. Adm. Code 720.721 to 726, 728, or 730:
- 1) Hazardous debris as defined in 35 Ill. Adm. Code 728 that has been treated using one of the required extraction or

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destruction technologies specified in Table A of 35 Ill. Adm. Code 728.145; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements of

- 2) Debris as defined in 35 Ill. Adm. Code 728 that the Agency, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 721.104 Exclusions

- a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:
 - A) Domestic sewage; and
 - B) Any mixture of domestic sewage and other waste that has been subjected to a treatment process that is equivalent to treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.
- 2) Industrial wastewater discharges that are point source discharges with NPDES permits issued pursuant to the requirements to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.

BOARD NOTE: This exclusion applies only to the actual point source discharges, it does not exclude industrial wastewaters which are recycled or reused. This exclusion does not exclude discharges nor does it exclude sludges that are generated by industrial wastewater treatment.

3) Irrigation return flows.

- 4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)

- 5) Materials subjected to in-situ mining techniques which are removed from the ground as part of the extraction process.

- 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively as defined in Section 721.10(c);

- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in Section 721.10(c).

- 8) Secondary materials that are reclaimed and returned to the

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original process or processes in which they were generated where they are reused in the production process, provided:

- A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame processes, such as those used in boilers, industrial furnaces or incinerators;
 - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
 - D) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.
- 9) Wood preserving wastes.
- A) Spent wood preserving solutions that have been used and are reclaimed and reused for their original intended purpose; and
 - B) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.
- 10) Hazardous waste number K050, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products process, except those which are hazardous only because they contain polychlorinated biphenyls, are excluded from Section 721.124, when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar or are mixed with coal tar prior to the tar's sale or refining. This exclusion is from the definition of hazardous waste and does not apply to sludges or bottom water and is subject to the condition that the waste be recycled to the coke ovens or tar recovery process, or mixed with coal.
- 11) Nonwastewater splash condenser dross residue from the production of aluminum alloy castings in foundry units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
- b) Solid wastes which are not hazardous. The following solid wastes are not hazardous wastes:
- 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any waste material (including garbage, trash and limited waste in separate bins) derived from households (including but not limited to single-family detached houses, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A

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resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of or otherwise managing the waste for the purposes of regulation under this Part, if such facility:

- A) Receives and burns only:
 - i) Household waste (from single and multiple sources), and metal, metal, and other residential sources; and
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
 - B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to ensure that hazardous wastes are not received at or burned in such facility.
- 2) Solid wastes generated by any of the following and which are returned to the soil as fertilizers:
- A) The growing and harvesting of agricultural crops.
 - B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
- 4) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.
- 6) Chromium wastes:
- A) Wastes which fail the test for the toxicity characteristic (Sections 721.124 and 721.124 Appendix B) because chromium is present or are listed in Subpart D of this Part due to the presence of chromium, which do not fail the test for the toxicity characteristic for the presence of chromium, and are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:
 - i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
 - ii) The waste is generated from an industrial

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process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

- iii) The waste is typically and frequently managed in non-oxidizing environments.

- B) Specific wastes which meet the standard in subsections (b)(6)(i), (i), and (ii) above, except that they are not so managed as to exhibit any characteristic for any other constituent and do not exhibit any other characteristic are:

i) Chrome (blue) trimmings generated by the leather tanning and finishing industries; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.

ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.

iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.

iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.

v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.

vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.

vii) Waste scrap leather from the leather tanning and finishing industries, and other leather product manufacturing industries.

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- viii) Wastewater treatment sludges from the production of titanium dioxide pigment, and chromium-bearing ores by the chloride process.

7) Solid waste from the extraction, beneficiation and processing of ores and minerals (including coal, phosphate rock and other minerals) except as provided by 35 Ill. Adm. Code 726.212 (including, except as provided by 35 Ill. Adm. Code 726.212, the following): burn or process hazardous waste. For purposes of this subsection, beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, drying, autoclaving, filtration, sorting, sizing, removing water or carbon dioxide, roasting, cooling, and chlorination in preparation for leaching (except where the roasting or autoclaving or chlorination) leaching sequence produces a final or intermediate product that does not require further beneficiation or processing; gravity concentration; magnetic separation; flotation; ion exchange; solvent extraction, electro-winning, precipitation, amalgamation, and heap, dump, vat tank and in situ leaching. For the purposes of this subsection, solid waste from the processing of ores and minerals includes only the following wastes:

- A) Slag from primary copper processing;
- B) Slag from primary lead processing;
- C) Red and brown muds from bauxite refining;
- D) Phosphogypsum from phosphoric acid production;
- E) Slag from elemental phosphorus production;
- F) Gasifier ash from coal gasification;
- G) Process wastewater from coal gasification;
- H) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
- I) Slag tailings from primary copper processing;
- J) Fluorogypsum from hydrofluoric acid production;
- K) Process wastewater from hydrofluoric acid production;
- L) Air pollution control dust/sludge from iron blast furnaces;
- M) Iron blast furnace slag;
- N) Treated residue from roasting/leaching of chrome ore;
- O) Process wastewater from primary magnesium processing by the anhydrous process;

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- P) Process wastewater from phosphoric acid production;
- Q) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;
- R) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
- S) Chloride processing waste solids from titanium tetrachloride production; and,
- T) Slag from primary zinc smelting.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 9) Solid waste which consists of discarded arsenical-treated wood or wood products which fails the test for the toxicity characteristic for hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- 11) Injected groundwater that is hazardous only because it exhibits the toxicity characteristic (USEPA hazardous waste codes D018 through D024 only) in Section 721.124 that is re-injected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum bulk plants, petroleum pipelines and petroleum spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from petroleum bulk plants, petroleum pipelines and petroleum bulk plants until October 2, 1991. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if:
- Operations are performed pursuant to a "free product removal report" pursuant to 35 Ill. Adm. Code 731.164; and
 - A copy of the "free product removal report" has been submitted to:

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- Characteristics Section (OS-333)
- USEPA
401 M Street, SW
Washington, D.C. 20460
- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, which use hydrochlorofluorocarbon refrigerants and which are in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- 13) This subsection should contain the equivalent of 40 CFR 261.4(b)(13), which USEPA has not yet adopted.
- 14) This subsection should contain the equivalent of 40 CFR 261.4(b)(14), which USEPA has not yet adopted.
- 15) Non-terrestrial plated used oil filters which are not mixed with other waste. Suppliers of this Part II oil filters and oil filters have been gravity hot-drained using one of the following methods:
- Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
 - Hot-draining and crushing;
 - Dismantling and hot-draining; or,
 - Any other equivalent hot-draining method which will remove used oil.
- c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or storage tank, a product or raw material processing unit, a processing process unit or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702.703, 705 and 722 through 725 and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, in which case the unit must be closed and cleaned within 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.
- d) Samples
- Except as provided in subsection (d)(2) below, a sample of solid waste or a sample of water, soil or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 726. The sample qualifies when:
 - The sample is being transported to a laboratory for the purpose of testing; or

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- B) The sample is being transported back to the sample collector after testing; or
- C) The sample is being stored by the sample collector before transport to a laboratory for testing; or
- D) The sample is being stored in a laboratory before testing; or
- E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
- F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).
- 2) In order to qualify for the exemption in subsection (d)(1)(A) and (B) above, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:
- A) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
- B) Comply with the following requirements if the sample collector determines that DOT, USPS or other shipping requirements do not apply to the shipment of the sample:
- 1) Assume that the following information accompanies the sample: The sample collector's name, mailing address and telephone number; the name, address and telephone number of the sample collector; the quantity of the sample; the date of the shipment; and a description of the sample.
 - 2) Package the sample so that it does not leak, spill or vaporize from its packaging.
- 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) above.
- e) Treatability study samples.
- 1) Except as is provided in subsection (e)(2) below, persons who generate or collect samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.10, are not subject to any requirements of 35 Ill. Code 720.10, 720.11, 720.12, 720.13, 720.14, 720.15, 720.16, 720.17, 720.18, 720.19, 720.20, 720.21, 720.22, 720.23, 720.24, 720.25, 720.26, 720.27, 720.28, 720.29, 720.30, 720.31, 720.32, 720.33, 720.34, 720.35, 720.36, 720.37, 720.38, 720.39, 720.40, 720.41, 720.42, 720.43, 720.44, 720.45, 720.46, 720.47, 720.48, 720.49, 720.50, 720.51, 720.52, 720.53, 720.54, 720.55, 720.56, 720.57, 720.58, 720.59, 720.60, 720.61, 720.62, 720.63, 720.64, 720.65, 720.66, 720.67, 720.68, 720.69, 720.70, 720.71, 720.72, 720.73, 720.74, 720.75, 720.76, 720.77, 720.78, 720.79, 720.80, 720.81, 720.82, 720.83, 720.84, 720.85, 720.86, 720.87, 720.88, 720.89, 720.90, 720.91, 720.92, 720.93, 720.94, 720.95, 720.96, 720.97, 720.98, 720.99, 720.100, 720.101, 720.102, 720.103, 720.104, 720.105, 720.106, 720.107, 720.108, 720.109, 720.110, 720.111, 720.112, 720.113, 720.114, 720.115, 720.116, 720.117, 720.118, 720.119, 720.120, 720.121, 720.122, 720.123, 720.124, 720.125, 720.126, 720.127, 720.128, 720.129, 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- i) Copies of the shipping documents;
 - ii) A copy of the contract with the facility conducting the treatability study;
 - iii) Documentation showing: The amount of waste shipped under this exemption; the name, address and USEPA identification number of the laboratory or testing facility that received the waste; the name, address and USEPA identification number of the generator; and, the number of samples and residues were returned to the generator.
- F) The generator reports the information required in subsection (e)(2)(B)(iii) above in its report under 35 Ill. Adm. Code 722.141.
- 3) The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A) above, for up to an additional 500 kg of any non-hazardous waste, including sludge, sediment, or slurry, or 250 kg of hazardous waste, including sludge, sediment, or slurry, and hazardous waste, to conduct further treatability study evaluation when: There has been an equipment or mechanical failure during the conduct of the treatability study; there is need to verify the results of a previously conducted treatability study; the generator is unable to analyze alternative techniques within a previously evaluated treatment process; or, there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment. The additional quantities allowed are subject to all the provisions in subsection (e)(2)(B) above. The Agency may require the generator or sample collector must apply to the Agency, and provide in writing the following information:
- A) The reason why the generator or sample collector requires additional quantity of waste for the treatability study; evaluation and the additional quantity needed;
 - B) Documentation accounting for all samples of hazardous waste from the wastewater which have been sent for or received by the generator or sample collector. In each previous sample, was shipped the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
 - C) A description of the technical modifications or change in specifications which will be evaluated and the expected result;
 - D) If such further study is being required due to equipment or mechanical failure, the generator must include information regarding the reason for the failure or breakdown and also include what procedures

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- or equipment have been made to protect against further breakdowns; and,
- E) Such other information as the Agency determines is necessary.
 - 4) Final Agency determinations pursuant to this subsection may be appealed to the Board.
 - f) Samples undergoing treatability studies at laboratories or testing facilities shall be conducted and evaluated at the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728, or to the notification requirements of section 3010 of the Act, or to the notification requirements of subsection (f)(1) through (f)(11), below, are subject to subsection (f)(1) through (f)(11), below. Where a group of mobile treatment units are located at the same site, the generator or sample collector shall conduct the treatability study, but only apply to the entire group of mobile treatment units, collectively as if the group were one mobile treatment unit.
 - 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection.
 - 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.
 - 3) No more than a total of 250 kg of "as received" hazardous waste is submitted for initial evaluation of treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
 - 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 1000 kg, the total of which can include 500 kg of soils, water or debris contaminated with acute hazardous waste or 1 kg of acute hazardous waste. This quantity limitation does not include:
 - A) Treatability study residues; and,
 - B) Treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.
 - 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs.
 - 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous

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waste.

- 7) The facility maintains records for 3 years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

- A) The name, address and USEPA identification number of the generator or sample collector of each waste sample;
- B) The date the shipment was received;
- C) The quantity of waste accepted;
- D) The quantity of "as received" waste in storage each day;
- E) The date the treatment study was initiated and the quantity of "as received" waste introduced to treatment each day;
- F) The date the treatability study was concluded;
- G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.
- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending 3 years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:
 - A) The name, address and USEPA identification number of the facility conducting the treatability studies;
 - B) The types (by process) of treatability studies conducted;
 - C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
 - D) The total quantity of waste in storage each day;
 - E) The quantity and types of waste subjected to treatability studies;

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- F) When each treatability study was conducted;

- G) The final disposition of residues and unused sample from each treatability study;

- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 722.112 through 722.122. Hazardous waste residues and unused samples are returned to the sample originator under the subsection (e) exemption above.

- 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators

- a) A generator is a conditionally exempt small quantity generator in a calendar month if it generates no more than 100 kilograms of hazardous waste in that month. 35 Ill. Adm. Code 700 explains the relation of this to the 100 kg/mo exception of 35 Ill. Adm. Code 805.

- b) Except for those wastes identified in subsections (e), (f), (g) and (j), a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 705, and 722 through 726 and 728, and the generator is not required to comply with the requirements of Section 3010 of Resource Conservation and Recovery Act (RCRA) and its implementing regulations with the requirements of subsections (f), (g) and (j).

- c) Hazardous waste that is not subject to regulation or that is subject only to 35 Ill. Adm. Code 722.111, 722.112, 722.140(c) and 722.141, and is included in the quantity determinations of this Part and 35 Ill. Adm. Code 722.111 through 722.140(c) of this Part and 35 Ill. Adm. Code 722.111 through 722.140(c) of this Part is subject to any requirements of those Parts. Hazardous waste that is subject to the requirements of Section 721.106(b) and (c) and 35 Ill. Adm. Code 726 Subparts C, D and F is included in the quantity determinations of this Part and is subject to the requirements of this Part and 35 Ill. Adm. Code 722 through 726 and 728.

- d) In determining the quantity of hazardous waste it generates, a generator need not include:

- 1) Hazardous waste when it is removed from on-site storage; or
- 2) Hazardous waste produced by on-site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once; or,
- 3) Spent materials that are generated, reclaimed and subsequently reused on-site, so long as such spent materials have been counted once.

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- e) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:

- 1) A total of one kilogram of acute hazardous wastes listed in Sections 721.131, 721.132, or 721.133(e); or
- 2) A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in Sections 721.131, 721.132, or 721.133(e).

BOARD NOTE: "Full regulation" means those regulations applicable to generators of greater than 1000 kg of non-acute hazardous waste in a calendar month.

- f) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subsection (e)(1) or (e)(2) to be excluded from full regulation under this Section, the generator must comply with the following requirements:

- 1) 35 Ill. Adm. Code 722.111.

- 2) The generator may accumulate acute hazardous waste on-site. If the generator accumulates at any time acute hazardous waste in quantities that exceed the accumulated waste exclusion (see § 121.21(a)) for those accumulated wastes, §§ 702, 703, 705 and 722 through 726 and 728 and the applicable notification and reporting requirements of the Resource Conservation and Recovery Act. The time period of 35 III. Adm. Code § 722.134(a), for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit.

- 3) A conditionally exempt shall quantity generator may either treat or dispose of its acute hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which, if located in the United States, is:

- A) Permitted under 35 Ill. Adm. Code 703;
- B) In interim status under 35 Ill. Adm. Code 703 and 725;
- C) Authorized to manage hazardous waste by a State with a hazardous waste management program approved by USEPA;
- D) Permitted, licensed or registered by a State to manage municipal or industrial solid waste; or

- A facility which:
- i) Beneficially uses or reuses or legitimately

h)

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- iii) recycles or reclaims its waste; or

- g) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:

- 35 Ill. Adm. Code 722.111;

- 2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site, if it accumulates at any time more than a total of 1000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation under the special provisions of 35 Adm. Code 702.703 through 702.707, 702.709 through 702.710, 702.711 through 702.713, 702.714 through 702.716, 702.717 through 702.719, 702.720 through 702.722, 702.723 through 702.724, 702.725 through 702.727, 702.728 through 702.729, 702.730 through 702.731, 702.732 through 702.733, 702.734 through 702.735, 702.736 through 702.737, 702.738 through 702.739, 702.740 through 702.741, 702.742 through 702.743, 702.744 through 702.745, 702.746 through 702.747, 702.748 through 702.749, 702.750 through 702.751, 702.752 through 702.753, 702.754 through 702.755, 702.756 through 702.757, 702.758 through 702.759, 702.760 through 702.761, 702.762 through 702.763, 702.764 through 702.765, 702.766 through 702.767, 702.768 through 702.769, 702.770 through 702.771, 702.772 through 702.773, 702.774 through 702.775, 702.776 through 702.777, 702.778 through 702.779, 702.780 through 702.781, 702.782 through 702.783, 702.784 through 702.785, 702.786 through 702.787, 702.788 through 702.789, 702.790 through 702.791, 702.792 through 702.793, 702.794 through 702.795, 702.796 through 702.797, 702.798 through 702.799, 702.800 through 702.801, 702.802 through 702.803, 702.804 through 702.805, 702.806 through 702.807, 702.808 through 702.809, 702.810 through 702.811, 702.812 through 702.813, 702.814 through 702.815, 702.816 through 702.817, 702.818 through 702.819, 702.820 through 702.821, 702.822 through 702.823, 702.824 through 702.825, 702.826 through 702.827, 702.828 through 702.829, 702.830 through 702.831, 702.832 through 702.833, 702.834 through 702.835, 702.836 through 702.837, 702.838 through 702.839, 702.840 through 702.841, 702.842 through 702.843, 702.844 through 702.845, 702.846 through 702.847, 702.848 through 702.849, 702.850 through 702.851, 702.852 through 702.853, 702.854 through 702.855, 702.856 through 702.857, 702.858 through 702.859, 702.860 through 702.861, 702.862 through 702.863, 702.864 through 702.865, 702.866 through 702.867, 702.868 through 702.869, 702.870 through 702.871, 702.872 through 702.873, 702.874 through 702.875, 702.876 through 702.877, 702.878 through 702.879, 702.880 through 702.881, 702.882 through 702.883, 702.884 through 702.885, 702.886 through 702.887, 702.888 through 702.889, 702.890 through 702.891, 702.892 through 702.893, 702.894 through 702.895, 702.896 through 702.897, 702.898 through 702.899, 702.900 through 702.901, 702.902 through 702.903, 702.904 through 702.905, 702.906 through 702.907, 702.908 through 702.909, 702.910 through 702.911, 702.912 through 702.913, 702.914 through 702.915, 702.916 through 702.917, 702.918 through 702.919, 702.920 through 702.921, 702.922 through 702.923, 702.924 through 702.925, 702.926 through 702.927, 702.928 through 702.929, 702.930 through 702.931, 702.932 through 702.933, 702.934 through 702.935, 702.936 through 702.937, 702.938 through 702.939, 702.940 through 702.941, 702.942 through 702.943, 702.944 through 702.945, 702.946 through 702.947, 702.948 through 702.949, 702.950 through 702.951, 702.952 through 702.953, 702.954 through 702.955, 702.956 through 702.957, 702.958 through 702.959, 702.960 through 702.961, 702.962 through 702.963, 702.964 through 702.965, 702.966 through 702.967, 702.968 through 702.969, 702.970 through 702.971, 702.972 through 702.973, 702.974 through 702.975, 702.976 through 702.977, 702.978 through 702.979, 702.980 through 702.981, 702.982 through 702.983, 702.984 through 702.985, 702.986 through 702.987, 702.988 through 702.989, 702.990 through 702.991, 702.992 through 702.993, 702.994 through 702.995, 702.996 through 702.997, 702.998 through 702.999, 703.000 through 703.001, 703.002 through 703.003, 703.004 through 703.005, 703.006 through 703.007, 703.008 through 703.009, 703.010 through 703.011, 703.012 through 703.013, 703.014 through 703.015, 703.016 through 703.017, 703.018 through 703.019, 703.020 through 703.021, 703.022 through 703.023, 703.024 through 703.025, 703.026 through 703.027, 703.028 through 703.029, 703.030 through 703.031, 703.032 through 703.033, 703.034 through 703.035, 703.036 through 703.037, 703.038 through 703.039, 703.040 through 703.041, 703.042 through 703.043, 703.044 through 703.045, 703.046 through 703.047, 703.048 through 703.049, 703.050 through 703.051, 703.052 through 703.053, 703.054 through 703.055, 703.056 through 703.057, 703.058 through 703.059, 703.060 through 703.061, 703.062 through 703.063, 703.064 through 703.065, 703.066 through 703.067, 703.068 through 703.069, 703.070 through 703.071, 703.072 through 703.073, 703.074 through 703.075, 703.076 through 703.077, 703.078 through 703.079, 703.080 through 703.081, 703.082 through 703.083, 703.084 through 703.085, 703.086 through 703.087, 703.088 through 703.089, 703.090 through 703.091, 703.092 through 703.093, 703.094 through 703.095, 703.096 through 703.097, 703.098 through 703.099, 703.100 through 703.101, 703.102 through 703.103, 703.104 through 703.105, 703.106 through 703.107, 703.108 through 703.109, 703.110 through 703.111, 703.112 through 703.113, 703.114 through 703.115, 703.116 through 703.117, 703.118 through 703.119, 703.120 through 703.121, 703.122 through 703.123, 703.124 through 703.125, 703.126 through 703.127, 703.128 through 703.129, 703.130 through 703.131, 703.132 through 703.133, 703.134 through 703.135, 703.136 through 703.137, 703.138 through 703.139, 703.140 through 703.141, 703.142 through 703.143, 703.144 through 703.145, 703.146 through 703.147, 703.148 through 703.149, 703.150 through 703.151, 703.152 through 703.153, 703.154 through 703.155, 703.156 through 703.157, 703.158 through 703.159,

- 3) A conditionally exempt small quantity generator may either treat or dispose of its hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which, if located in the United States, is:

- A) Permitted under 35 Ill. Adm. Code 702 and 703;
- B) In interim status under 35 Ill. Adm. Code 703 and 725;
- C) Authorized to manage hazardous waste by a State with a hazardous waste management program approved by USEPA under 40 CFR 271 (1986);

- D) Permitted, licensed or registered by a State to manage municipal or industrial solid waste; or
- E) A facility which:

- ii) Beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or
- iii) Treats its waste prior to beneficial use or re-use, or legitimate recycling or reclamation.

h)

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unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C.

- 1) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds the concentration level of this Section, the mixture is subject to full regulation.
- 2) If a conditionally exempt small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 726.Subpart E-729.Subpart C. Hazardous waste material produced from such a mixture by processing, blending or other treatment is also so regulated if it is destined to be burned for energy recovery.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 721.106 Requirements for Recyclable Materials

a) Recyclable materials:

- 1) Hazardous wastes that are recycled are subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through H and all applicable provisions in 35 Ill. Adm. Code 702, 703 and 705. Hazardous wastes that are recycled will be known as "recyclable materials".
- 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through H and all applicable provisions in 35 Ill. Adm. Code 702, 703 and 705.
 - A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);
 - B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart C (35 Ill. Adm. Code 726.Subpart H.);
 - C) ~~Used oil that exhibits one or more of the characteristics of hazardous waste and is burned for energy recovery in boilers or industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart C. (35 Ill. Adm. Code 726.Subpart B-7)~~
 - D) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);
 - D~~B~~) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).
- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, 703 or 705 and are not subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:

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A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158;

- i) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153, and (b), and 722.157 shall export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgment of Consent as defined in 35 Ill. Adm. Code 722.153, and shall provide a copy of the USEPA Acknowledgment of Consent to the transporter transporting the shipment for export;
- ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter is not a primary exporter in 35 Ill. Adm. Code 722.153, and shall obtain the USEPA Acknowledgment of Consent, shall ensure that a copy of the USEPA Acknowledgment of Consent accompanies the shipment and shall ensure that it is delivered to the facility designated by the person initiating the shipment.
- B) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;
- C) ~~Used oil that exhibits one or more of the characteristics of hazardous waste and is recycled in the same manner than being burned for energy recovery;~~
- D) Scrap metal;
- D~~B~~) Fuels produced from the refining of oil-bearing hazardous wastes with a process that occurs at a petroleum refining facility if such wastes result from normal petroleum refining, production and transportation practices;
- E~~F~~) Oil reclaimed from hazardous waste resulting from normal petroleum refining, production and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;
- E~~G~~) Petroleum refining wastes.
 - i) Hazardous waste fuel produced from oil-bearing production or transportation practices, or produced from oil reclaimed from such hazardous waste and which is then used in a process that does not use reintroduced into a process that does not use

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distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 726.140(e) and so long as no other hazardous waste is used to produce the hazardous waste fuel;

- (i) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining, production and transportation practices, where the hazardous waste is re-refined into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

- (ii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

- (iii) Petroleum coke produced from petroleum refinery hazardous wastes containing oil at the same facility at which such wastes are generated, so long as the resulting product exceeds one or more of the characteristics of hazardous waste in Subpart C:

- 4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the hazardous waste management and handling provisions of 35 Ill. Adm. Code 726.140(e) and 726.140(f) but is regulated under 35 Ill. Adm. Code 726.140(e) that is recycled includes any used oil which is reused following its original use, for any purpose (including the purpose for which the oil was originally used. Such term includes, but is not limited to, oil which is re-refined, reclaimed, burned for energy recovery, or reprocessed.

- b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a), above.

- c) Storage and recycling:

- 1) Owners or operators of facilities that store recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 724, Subparts A through L, AA and BB and 725, Subparts A through L, AA and BB, 726, 728, 702, 703 and 705 and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a), above. The recycling process is exempt from the Resource Conservation and Recovery Act, except as provided in subsection (d), below.)

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- 2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a), above.

- A) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act.
- B) 35 Ill. Adm. Code 725.171 and 725.172 (Dealing with the use of the manifest and manifest discrepancies)
- C) subsection (d), below.

- d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management and handling practices that are subject to 35 Ill. Adm. Code 724, Subpart AA and BB and 725, Subpart AA and BB.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.131 Hazardous Wastes From Nonspecific Sources

- a) The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 35 Ill. Adm. Code 726.140 and 726.142 and listed in Section 721.131, Appendix 1.

EPA
Hazardous
Waste No.

Industry and Hazardous Waste

Hazard
Code

F001

The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride and other halogenated solvents and blends used in degreasing containing, before use, a total of ten percent (or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004 or F005; and still containing at least one of the above solvent solvents and spent solvent mixtures.

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- F021 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in formulating process) of tetra-, penta- or hexachlorophenol, or of intermediates used to produce its derivatives. (H)
- F022 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzenes under alkaline conditions. (H)
- F023 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorophenol. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol. (T)
- F024 Process wastes including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts and other materials listed in this Section or Section 721.132.) (T)
- F025 Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzene under alkaline conditions. (H)

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- F027 Discharged unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing wastes from the production of prepurified 2,4,5-trichlorophenol as the sole component). (H)
- F028 Residues resulting from the incineration or destruction of solid waste contaminated with hazardous waste numbers F020, F021, F022, F023, F026 and F027. (T)
- F032 Wastewaters, (except those that have not come into contact with process contaminants), from the production of coatings and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 listing removed) and from the production of 721.135 and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use cresolate or pentachlorophenol. (T)

BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. The listing of wastewater from the production of chlorophenolic formulations is stayed administratively whenever these wastes are covered by the F024 or F025 listings. These stays will remain in effect until further administrative action is taken. The listing of wastewater from the production of process area receiving dripage of these wastes provided persons desiring to continue operating notify US EPA by August 6, 1991, of the stay. The stay of the listing of wastewater and by November 1, 1991, provide notice to US EPA that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until September 1, 1991, for new drip pads, and until May 6, 1992, for new drip pads.

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F034

Wastewaters, except those that have not come into contact with petroleum products, and petroleum process residuals preservative drillage and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the petroleum refining process, and petroleum refining processes that use creosote or pentachlorophenol.

BOARD NOTE:—The listing of wastewaters that have not come into contact with petroleum products, and petroleum process residuals preservative drillage and spent formulations from wood preserving processes—these stays will remain in effect until further administrative action is taken. Furthermore, the F034 and F035 listings are administratively stayed with respect to the petroleum refining process until the Agency determines that by February 6, 1992, persons desiring to continue operating notify the Agency of their intent to upgrade or install drip-pader, and provide evidence to the Agency that they have adequate financing to pay for the administrative stay. The stay of listings will remain in effect until July 1, 1992.

F035

Wastewaters, except those that have not come into contact with petroleum products, and petroleum process residuals preservative drillage and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the petroleum refining process, and petroleum refining processes that use creosote or pentachlorophenol.

BOARD NOTE:—The listing of wastewaters that have not come into contact with petroleum products, and petroleum process residuals preservative drillage and spent formulations from wood preserving processes—these stays will remain in effect until further administrative action is taken. Furthermore, the F034 and F035 listings are administratively stayed with respect to the petroleum refining process until the Agency determines that by February 6, 1992, persons desiring to continue operating notify the Agency of their intent to upgrade or install drip-pader, and provide evidence to the Agency that they have adequate financing to pay for the administrative stay. The stay of listings will remain in effect until July 1, 1992.

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F037

Petroleum refinery primary oil/water/solids sludge, petroleum refinery secondary oil/water/solids sludge, petroleum refinery sludge, and petroleum refinery sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling waters from petroleum refineries. Such sludges include, but are not limited to, those generated from petroleum refinery storage tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated in contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in subsection (b)(2), below, or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge — Any sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling waters from petroleum refineries. Such sludges include, but are not limited to, those generated from petroleum refinery storage tanks and impoundments, and all sludges generated in floatation (IAF) units, tanks and units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated in contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in subsection (b)(2), below, (including sludges and floats generated in aggressive biological treatment units after wastewaters have been treated in aggressive biological treatment units), F037, K048 and K051 wastes are not included in this listing.

F039

Leachate (liquids which have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D. (Leachate resulting from the disposal of one or more of the following USFPA hazardous waste codes: K001, K002, K003, K004, K005, K006, K007, K008, K009, K010, K011, K012, K013, K014, K015, K016, K017, K018, K019, K020, K021, F022, F026, F027 or F028.)

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BOARD NOTE: The primary hazardous properties of these materials are indicated by the letter A (Acute Toxicity), I (Irritability), F (Flammability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.

deposition is defined as at least a temporary cessation of lateral particle movement; and floats are considered to be generated at the moment they are formed in the top of the unit.

b) Listing specific definitions.

- 1) For the purpose of the F037 and F038 listings, oil/water/solids is defined as oil or water or solids.
- 2) For the purposes of the F037 and F038 listings:
 - a) Aggressive biological treatment units are defined as units which employ one of the following four treatment methods: activated sludge; trickling filter; rotating biological contactor for the continuous accelerated biological oxidation of wastewater; or, high-rate aeration. High-rate aeration is a system of surface aeration in which the wastewater is aerated by means of mechanical aeration is used to completely mix the wastes, enhance biological activity, and:
 - i) The units employ a minimum of 6 horsepower per million gallons of treatment volume; and either
 - ii) The hydraulic retention time of the unit is no longer than 5 days; or
 - iii) The hydraulic retention time is no longer than 3 days and the sludge that is a hazardous waste by the toxicity characteristic.
 - b) Generators and treatment, storage or disposal (TSD) facilities have the burden of proving that their waste is not a hazardous waste under the F037/F038 listings under this definition. Generators and TSD facilities shall maintain, in their operating or other on site records, documents and data sufficient to prove that:
 - i) The unit is an aggressive biological treatment unit as defined in this subsection; and
 - ii) The sludges sought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.
- 3) Time of generation. For the purposes of:
 - a) The F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.
 - b) The F038 listing:
 - i) Sludges are considered to be generated at the moment of deposition in the unit, where

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Section 721.132 Appendix I.

EPA Hazardous Waste No.	Industry and Hazardous Waste	Wood Preservation:	Hazard Code
K001	Bottom sediment sludge from the treatment of waste-waters from wood preserving processes that use creosote and/or pentachlorophenol.		(T)
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	Inorganic Pigments:	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.		(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.		(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.		(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).		(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.		(T)
K008	Oven residue from the production of chrome oxide green pigments.		(T)
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	Organic Chemicals:	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.		(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.		(R,T)

Distillation bottoms from the production of 1,1,1-trichloroethane. (T)

Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (T)

Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (T)

Distillation bottoms from aniline production. (T)

Process residues from aniline extraction from the production of aniline. (T)

Combined wastewater streams generated from nitrobenzene/aniline production. (T)

Distillation or fractionation column bottoms from the production of chlorobenzenes. (T)

Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (T)

Column bottoms from product separation from the production of 1,1-dimethylhydrazine (DMH) from carboxylic acid hydrazides. (C,T)

Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (DMH) from carboxylic acid hydrazides. (I,T)

Spent filter cartridges from the product purification from the production of 1,1-di-methylhydrazine (DMH) from carboxylic acid hydrazides. (T)

Condensed column overheads from intermediate separation from the production of 1,1-di-methylhydrazine (DMH) from carboxylic acid hydrazides. (T)

Product wastewaters from the production of di-nitrotoluene via nitration of toluene. (C,T)

Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)

Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)

Vicinals from the purification of toluene-diamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)

Bottom stream from the acetonitrile column in the production of acrylonitrile. (T)

Bottoms from the acetonitrile purification column in the production of acrylonitrile. (T)

Still bottoms from the distillation of benzyl chloride. (T)

Heavy ends or distillation residues from the production of carbon tetrachloride. (T)

Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (T)

Heavy ends from the fractionation column in ethyl chloride production. (T)

Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (T)

Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (T)

Aqueous spent antimony catalyst waste from fluoromethanes production. (T)

Distillation bottom tars from the production of phenol/acetone from cumene. (T)

Distillation light ends from the production of phthalic anhydride from naphthalene. (T)

Distillation bottoms from the production of phthalic anhydride from naphthalene. (T)

Distillation light ends from the production of phthalic anhydride from ortho-xylene. (T)

Distillation bottoms from the production of phthalic anhydride from ortho-xylene. (T)

Distillation bottoms from the production of nitrobenzene by the nitration of benzene. (T)

Stripping still tails from the production of methyl ethyl pyridines. (T)

Centrifuge and distillation residues from toluene diisocyanate production. (R,T)

Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (T)

Waste from the product stream stripper in the production of 1,1,1-trichloroethane. (T)

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- K115 Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K116 Organic condensate from the solvent recovery column in the production of toluenediamine via hydrogenation of toluenediamine. (T)
- K117 Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene. (T)
- K118 Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
- K136 Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
- Inorganic Chemicals:
- K071 Brine purification mudds from the mercury cell process in chlorine production, where separately prepurified brine is not used. (T)
- K073 Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (T)
- K106 Wastewater treatment sludge from the mercury cell process in chlorine production. (T)
- Pesticides:
- K031 By-product salts generated in the production of MSMA and cacodylic acid. (T)
- K032 Wastewater treatment sludge from the production of chlordane. (T)
- K033 Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (T)
- K034 Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (T)
- K097 Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (T)
- K035 Wastewater treatment sludges generated in the production of cresosote. (T)
- K036 Still bottoms from toluene reclamation distillation in the production of disulfoton. (T)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- K037 Wastewater treatment sludges from the production of disulfoton. (T)
- K038 Wastewater from the washing and stripping of phosphate production. (T)
- K039 Filter cake from the filtration of diethylphosphorothioic acid in the production of phosphate. (T)
- K040 Wastewater treatment sludge from the production of phosphate. (T)
- K041 Wastewater treatment sludge from the production of toxaphene. (T)
- K098 Untreated process wastewater from the production of toxaphene. (T)
- K042 Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (T)
- K043 2,6-Dichlorophenol waste from the production of 2,4-D. (T)
- K099 Untreated wastewater from the production of 2,4-D. (T)
- K123 Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebis-dithiocarbamic acid and its salts. (T)
- K124 Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts. (C,T)
- K125 Filtration, evaporation and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts. (T)
- K126 Baghouse dust and floor sweepings in milling and packaging operations from the production or the production of ethylenebisdithiocarbamic acid and its salts. (T)
- K131 Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide. (C,T)
- K132 Spent absorbent and wastewater separator solids from the production of methyl bromide. (T)
- Explosives:
- K044 Wastewater treatment sludges from the manufacturing and processing of explosives. (R)
- K045 Spent carbon from the treatment of wastewater containing explosives. (R)

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- K046 Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds. (T)
- K047 Pink/red water from TNT operations. (R)
Petroleum Refining:
- K048 Dissolved air flotation (DAF) float from the petroleum refining industry. (T)
- K049 Slip oil emulsion solids from the petroleum refining industry. (T)
- K050 Heat exchanger bundle cleaning sludge from the petroleum refining industry. (T)
- K051 API separator sludge from the petroleum refining industry. (T)
- K052 Tank bottoms (lead) from the petroleum refining industry. (T)
- Iron and Steel:
- K061 Emission control dust/sludge from the primary production of steel in electric furnaces. (T)
- K062 Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110). (C,T)
- K064 Acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production. (T)
Primary Copper:
- K065 Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities. (T)
Primary Lead:
- K066 Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production. (T)
Primary Zinc:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: This waste listing is the subject of a judicial remand in American Mining Congress v. EPA, 907 F.2d 1179 (D.D.C. 1990). The Board intends that this listing not become enforceable in Illinois until the judicial remand is resolved. The judicial remand program becomes "not equivalent to the Federal program," within the meaning of Section 3006(b) of the RCRA Act, 42 U.S.C. 6926(b), the Board RCRA rules become "less stringent" than the USEPA rules, and this phrase is used in Section 3009, 42 U.S.C. 6929, which states that the listing of a substance in the listing "with the federal rules as that term is intended by Ill. Rev. Stat. 1989.1 ch. 111.4, para. 1007.2 and 1022.4 [415 ILCS 5/7.2 and 5/22.4] as a result of some action by USEPA with regard to this listing in response to the American Mining Congress remand.

Primary Aluminum:

Spent potliners from primary aluminum reduction. (T)

Ferroalloys:

Emission control dust or sludge from ferrochromium/silicon production. (T)

Emission control dust or sludge from ferrochromium production. (T)

Secondary Lead:

Emission control dust/sludge from secondary lead production. (T)

BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.

Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. (T)

Veterinary Pharmaceuticals:

Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

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Ink Formulation:

K086 Solvent washes and sludges, caustic washes and neutralization and biological sludges, generated during the treatment of wastewaters from the production of ink, and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead.

Coking:

K060 Ammonia still lime sludge from coking operations.

K087 Decanter tank tar sludge from coking operations.

K141 Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).

K142 Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

K143 Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

K144 Wastewater sump residues from light oil refining, including, but not limited to, those generated in contamination sump sludges from the recovery of coke by-products produced from coal.

K145 Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

K147 Tar storage tank residues from coal tar refining.

K148 Residues from coal tar distillation, including but not limited to, still bottoms.

K149 Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste includes still bottoms from the distillation of benzoyl chloride.)

K150 Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery process associated with the production of chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 721.Appendix B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

The Board incorporates by reference 40 CFR 261, Appendix II, as amended at 55 Fed. Reg. 17989, November 29, 1990 57, Fed. Reg. 55142-55147, November 24, 1992 and 58 Fed. Reg. 53111, October 2, 1993. This Section incorporates no future editions or modifications.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 721.Appendix G Basis for Listing Hazardous Wastes

EPA

hazardous waste No.

Hazardous constituents for which listed

F001 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorinated fluorocarbons.

F002 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, N-A-chlorofluoromethane.

F003 Cresols and cresylic acid, nitrobenzene.

F004 Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine.

F005 2-ethoxyethanol, benzene, 2-nitropropane

F006 Cadmium, hexavalent chromium, nickel, cyanide (complexed).

F007 Cyanide (salts).

F008 Cyanide (salts).

F009 Cyanide (salts).

F010 Cyanide (salts).

F011 Cyanide (salts).

F012 Cyanide (complexed).

F013 Cyanide (complexed).

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F227 Cyanide (complexed).

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- K066 Lead, cadmium
K069 Hexavalent chromium, lead, cadmium.
K071 Mercury.
K073 Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, trichloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.
K083 Aniline, diphenylamine, nitrobenzene, phenylenediamine.
K084 Benzene, dichlorobenzene, trichlorobenzene, tetrachlorobenzene, pentachlorobenzene, hexachlorobenzene, benzyl chloride.
K086 Lead, hexavalent chromium.
K088 Phenol, naphthalene.
K089 Phenol (complexes).
K090 Chromium
K091 Chromium
K093 Phthalic anhydride, maleic anhydride.
K094 Phthalic anhydride.
K095 1,1,2,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane.
K096 1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane.
K097 Chloroform, heptachlor.
K098 Toxaphene.
K099 2,4-dichlorophenol, 2,4,6-trichlorophenol.
K100 Hexavalent Chromium, lead, cadmium.
K101 Arsenic.
K102 Arsenic.
K103 Aniline, nitrobenzene, phenylenediamine.
K104 Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine.
K105 Benzene, monochlorobenzene, dichlorobenzene, 2,4,6-trichlorophenol.
K106 Benzene.
K111 2,4-Dinitrotoluene.
K112 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K113 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K114 2,4-Toluenediamine, o-toluidine, p-toluidine.
K115 2,4-Toluenediamine, o-toluidine, p-toluidine.
K116 Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene.
K117 Ethylene dibromide
K118 Ethylene dibromide
K119 Ethylene dibromide
K120 Ethylene dibromide
K121 Ethylene dibromide
K122 Ethylene thiourea
K123 Ethylene thiourea
K124 Ethylene thiourea
K125 Ethylene thiourea
K126 Ethylene thiourea
K131 Dimethyl sulfoxide, methyl bromide
K132 Methyl bromide
K136 Ethylene dibromide
K141 Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K142 Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K143 Benzene, benz(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(k)fluoranthene.
K144 Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K145 Benzene, benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, naphthalene.
K147 Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K148 Benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K149 Benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.

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- chlorobenzene, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, toluene, carbon tetrachloride, chloroform, chloromethane, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, 1,1,2,2-trichloroethane, tetrachloroethylene, 1,2,4-trichlorobenzene, benzene, carbon tetrachloride, chloroform, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, toluene, 1,2,4,5-tetrachlorobenzene, tetrachloroethylene.

N.A.--Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity or reactivity.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

DO NOT WRITE IN THESE SPACES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) Code Citation: 35 Ill. Adm. Code 725

3) Section Numbers: Proposed Action:

725.104, 725.113, 725.210
Amendment
725.211, 725.212, 725.240
Amendment
725.241, 725.321, 725.414
Amendment
725.416, 725.540, 725.541
Amendment
725.542, 725.543
Amendment
725.1100, 725.1101, 725.1102 New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 (415 ILCS 5/22.4 and 5/27).

5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's Proposed Opinion of 2/21/1991, 1991-1, which is mailed separately and is available below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a) (415 ILCS 5/22.4(a))) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1992.

Specifically, the amendments to Part 725 amend the standards for owners of certain hazardous waste treatment, storage, and disposal facilities. The amendments apply new closure and post-closure regulations, and under some circumstances, landfill regulations to containment buildings. These amendments also contain a substantial revision to the financial assurance and liability provisions for closure and post closure. An amendment concerning underground storage tanks is also included. These amendments also contain a new definition of "containment building" and required documentation of drip pads. In addition new sections 725.1100 through 725.1102 are added to regulate containment buildings. The new containment building provisions involve several situations where the Board has had to make the determination whether the amendments call for a permit condition determination. The Board has determined that 725.1101(c) involves the Agency's power to seal a hazardous waste operating unit under Section 34 of the Act. The Board has come to this unusual determination because the amendments give the regulating entity only the power to remove a unit from operation. The Board has also determined that 725.1101(b) involves the Agency's power to require a permit condition determination. The Board has determined that the corresponding section in 724.1101 calls for a permit condition determination, thereby creating somewhat of a procedural inconsistency. In addition, it is unclear whether 725.1101(b) creates any enforcement responsibilities at the State level.

6) Will this proposed rule replace an emergency rule currently in effect? No.

NOTICE OF PROPOSED AMENDMENTS

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these rulemaking amendments contain incorporations by reference?

No. 35 Ill. Adm. Code 720.111 is a centralized listing of all incorporated references. The Board's rulemaking amendments used throughout these parts are centrally listed in this Section. The present rulemaking amends the incorporations by reference for documents incorporated for the purposes of Parts 721, 724, 725, 726 and 739. They further update the edition of all references to the Code of Federal Regulations for use in all parts wherever they appear.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The Board's rulemaking amendments are formulated in accordance with that Act. This rulemaking imposes mandates on the local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket #93-4 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 2, 1993.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The present amendments may affect those businesses engaged in these activities.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive recordkeeping and other procedures, including the preparation of operating records. The present amendments and maintenance of operating records. The present amendments may affect these requirements for affected entities.

D) Types of professional skills necessary for compliance:

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Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The present amendments may affect these requirements for affected entities.

The full text of the proposed amendments begins on the next page.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER 1: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Purpose, Scope and Applicability
Imminent Hazard Action

Section
725.101
725.104

SUBPART B: GENERAL FACILITY STANDARDS

Applicability
USEPA Identification Number
Required Notices
General Waste Analysis
Security Inspection Requirements
Construction Requirements
Personnel Training
General Requirements for Ignitable, Reactive or Incompatible Wastes
Location Standards
Construction Quality Assurance Program

Section
725.118
725.119

SUBPART C: PREPAREDNESS AND PREVENTION

Applicability
Maintenance and Operation of Facility
Required Equipment
Performance of Equipment
Access to Communications or Alarm System
Required Aisle Space
Arrangements with Local Authorities

Section
725.130
725.131
725.132
725.133
725.134
725.135
725.137

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Applicability
Purpose and Implementation of Contingency Plan
Content of Contingency Plan
Copies of Contingency Plan
Emergency Procedures
Emergency Coordinator
Emergency Procedures

Section
725.150
725.151
725.152
725.153
725.154
725.155
725.156

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Applicability
Use of Manifest System
Manifest Discrepancies
Operating Record
Availability, Retention and Disposition of Records
Annual Report
Unmanifested Waste Report
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defining the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

- b) The standards in this Part apply to owners and operators of facilities who are subject to the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act and the owner or operator has fulfilled, and post-closure responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, who have failed to provide timely notification as required by Section 3010(a) of RCRA, or failed to file Part A of the permit application as required by 40 CFR 270.10(e), and (g) of the permit application as required by 40 CFR 270.10(e), and (g) of the permit application as required by 40 CFR 270.10(e), and (g) to all treatment, storage or disposal of hazardous waste at those facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.

BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of the amendments to Section 3005, 40 CFR 270 and 124, the treatment, storage or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner and operator's permit application is completed. The amendments to Section 3005 and 35 Ill. Adm. Code 703, and 704, and 705, and 706, and 707, and 708, and 709, and 710, and 711, and 712, and 713, and 714, and 715, and 716, and 717, and 718, and 719, and 720, and 721, and 722, and 723, and 724, and 725, and 726, and 727, and 728, and 729, and 730, and 731, and 732, and 733, and 734, and 735, and 736, and 737, and 738, and 739, and 740, and 741, and 742, and 743, and 744, and 745, and 746, and 747, and 748, and 749, and 750, and 751, and 752, and 753, and 754, and 755, and 756, and 757, and 758, and 759, and 760, and 761, and 762, and 763, and 764, and 765, and 766, and 767, and 768, and 769, and 770, and 771, and 772, and 773, and 774, and 775, and 776, and 777, and 778, and 779, and 780, and 781, and 782, and 783, and 784, and 785, and 786, and 787, and 788, and 789, and 790, and 791, and 792, and 793, and 794, and 795, and 796, and 797, and 798, and 799, and 800, and 801, and 802, and 803, and 804, and 805, and 806, and 807, and 808, and 809, and 810, and 811, and 812, and 813, and 814, and 815, and 816, and 817, and 818, and 819, and 820, and 821, and 822, and 823, and 824, and 825, and 826, and 827, and 828, and 829, and 830, and 831, and 832, and 833, and 834, and 835, and 836, and 837, and 838, and 839, and 840, and 841, and 842, and 843, and 844, and 845, and 846, and 847, and 848, and 849, and 850, and 851, and 852, and 853, and 854, and 855, and 856, and 857, and 858, and 859, and 860, and 861, and 862, and 863, and 864, and 865, and 866, and 867, and 868, and 869, and 870, and 871, and 872, and 873, and 874, and 875, and 876, and 877, and 878, and 879, and 880, and 881, and 882, and 883, and 884, and 885, and 886, and 887, and 888, and 889, and 890, and 891, and 892, and 893, and 894, and 895, and 896, and 897, and 898, and 899, and 900, and 901, and 902, and 903, and 904, and 905, and 906, and 907, and 908, and 909, and 910, and 911, and 912, and 913, and 914, and 915, and 916, and 917, and 918, and 919, and 920, and 921, and 922, and 923, and 924, and 925, and 926, and 927, and 928, and 929, and 930, and 931, and 932, and 933, and 934, and 935, and 936, and 937, and 938, and 939, and 940, and 941, and 942, and 943, and 944, and 945, and 946, and 947, and 948, and 949, and 950, and 951, and 952, and 953, and 954, and 955, and 956, and 957, and 958, and 959, and 960, and 961, and 962, and 963, and 964, and 965, and 966, and 967, and 968, and 969, and 970, and 971, and 972, and 973, and 974, and 975, and 976, and 977, and 978, and 979, and 980, and 981, and 982, and 983, and 984, and 985, and 986, and 987, and 988, and 989, and 990, and 991, and 992, and 993, and 994, and 995, and 996, and 997, and 998, and 999, and 1000.

c) The requirements of this Part do not apply to:

- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434; 33 U.S.C. 1401);

BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b).

- 3) The owner or operator of a POTW (publicly owned treatment works) which treats, stores or disposes of hazardous waste;

BOARD NOTE: The owner or operator of a facility under subsections (c)(1) through (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702, 703, and 705 or are required by 35 Ill. Adm. Code 704, Subpart F.

- 5) The owner or operator of a facility permitted, licensed or registered by Illinois to manage municipal or industrial

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solid waste, if the only hazardous waste the facility handles is a material excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;

- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) and (3) (except to the extent that requirements of this Part are excluded to in 35 Ill. Adm. Code 726, Subparts C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, 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CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, 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VP, VQ, VR, VS, VT, VU, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ.

- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;

- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;

- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;

- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110;

- 11) Immediate response:

- A) Except as provided in subsection (c)(11)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:

- i) A discharge of a hazardous waste;
- ii) An imminent and substantial threat of a discharge of a hazardous waste;
- iii) A discharge of a material which, when discharged, becomes a hazardous waste.

- B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.

- C) Any person who is covered by subsection (c)(11)(A) and who is engaged in treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703 and 705 for those activities.

- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.

- 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) for the purpose of waste to the absorbent material in a container provided that these actions occur at the time waste is first placed

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in the containers; and Sections 725.117(b), 725.271 and 725.272 are complied with.

- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026 or F027 unless:

- 1) The wastewater treatment sludge is generated in a surface system, as part of the plant's wastewater treatment system;
 - 2) The waste is stored in tanks or containers;
 - 3) The waste is stored or treated in waste piles that meet the requirements of Section 725.117(b), 725.271 and 725.272, as well as all other applicable requirements of Subpart 4;
 - 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
 - 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.
- e) This Part applies to owners and operators of facilities which treat, store or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.
- f) 35 Ill. Adm. Code 700 contains rules concerning application of other Board regulations.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.113 General Waste Analysis

a) Waste analysis:

- 1) Before an owner or operator treats, stores or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 725.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must include the following information which must be known to treat, store or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.
- 2) The analysis may include data developed under 35 Ill. Adm. Code 728, or existing published or documented data on the hazardous waste or on waste generated from similar processes.

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BOARD NOTE: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, if the facility is not required to comply with subsection (a)(1), above, except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1), above, if the owner or operator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

- A) When the owner or operator is notified, or has reason to believe that the process or operation generating the hazardous waste has changed, or the standards applicable under Section 725.213(d), has changed; and
- B) For off-site facilities, when the results of the inspection required in subsection (a)(4), below, indicate that the waste being managed at the facility does not match the waste designated on the accompanying manifest or shipping paper.
- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement to ensure that the waste being managed at the facility is the same as the waste designated on the accompanying manifest or shipping paper.
- b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which the owner or operator shall follow to comply with this Section. At a minimum, the plan must specify:
 - 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a), above.
 - 2) The test methods which will be used to test for these parameters.
 - 3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

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- A) One of the sampling methods described in 35 Ill. Adm. Code 721.100(c) will be amended to read as follows:
- B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.120(c) for related discussion.

- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date.
- 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.
- 6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934(d) and 725.963(d), and 35 Ill. Adm. Code 726.107. And,
- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
- A) The sampling of impoundment contents;
- B) The analysis of test data; and,
- C) The annual removal of residues which are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste, and either:
- i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728-Subpart D; or
- ii) Where no treatment standards have been established, such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).
- C) For off-site facilities, the waste analysis plan required in subsection (b), above, must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:
- 1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and
- 2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

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- 3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or transporter has added a biodegradable sorbent to the waste in the container.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART G: CLOSURE AND POST-CLOSURE

Section 725.210 Applicability

Except as Section 725.101 provides otherwise:

- a) Sections 725.211 through 725.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and
- b) Sections 725.216 through 725.220 (which concern post-closure care) apply to the owners and operators of:
- 1) All hazardous waste disposal facilities; and
- 2) Waste piles and surface impoundments from which the owner or operator intends to remove the wastes at closure to the extent that these Sections are made applicable to such facilities in Sections 725.328 or 725.358; and
- 3) Tank systems which are required under Section 725.297 to meet requirements for landfills; and
- 4) Containment buildings that are required under Section 725.1102 to meet the requirement for landfills.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 725.211 Closure Performance Standard

The owner or operator shall close the facility in a manner that:

- a) Minimizes the need for further maintenance; and
- b) Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off or hazardous waste decomposition products to the ground or surface waters or to the atmosphere; and
- c) Complies with the closure requirements of this Part, including, but not limited to, the requirements of Sections 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481 and 725.504 and 725.1102.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 725.212 Closure Plan; Amendment of Plan

- a) Written Plan. Within six months after the effective date of the

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rule that first subjects a facility to provisions of this Section, the owner or operator of the facility shall have a written closure plan. Until final closure is completed and certified in accordance with Section 725.215, a copy of the most current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspection to any officer, employee or representative of the Agency.

- b) Content of plan. The plan must identify the steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least:
 - 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 725.211; and
 - 2) A description of how final closure of the facility will be completed in accordance with Section 725.211. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility; and
 - 3) An estimate of the maximum inventory of hazardous wastes even on-site over the active life of the facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to methods for removing, transporting, treating, storing or disposing of all hazardous waste, and identification of and use of all hazardous waste management unit(s) to be used, if applicable; and
 - 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures and materials from the facility. The description must be limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard; and
 - 5) A detailed description of other activities necessary during the partial and final closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and
 - 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close the facility, the time required to complete the final closure, and intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste

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Inventory and of the time required to place a final cover must be included.)} and

- 7) An estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under Sections 725.243 or 725.245 and whose remaining operating life is less than twenty years, and for facilities without approved closure plans.
- c) Amendment of plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan shall submit a written request to the Agency to amend the plan. The request must include a copy of the amended closure plan for approval by the Agency.
 - 1) The owner or operator shall amend the closure plan, whenever:
 - A) Changes in the operating plans or facility design affect the closure plan, or
 - B) Whenever there is a change in the expected year of closure, if applicable, or
 - C) In conducting partial or final closure activities, unexpected events require a modification of the closure plan.
 - 2) The owner or operator shall amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall amend the closure plan as soon as practicable after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with Section 725.410.
 - 3) An owner or operator with an approved closure plan shall submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator shall submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with Section 725.410. If the amendment to the plan is Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 702.280, the modification to the plan shall be approved according to the procedures in subsection (d)(4), below.

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- 4) The Agency may request modifications to the plan under the conditions described in subsection (c)(1), above. An owner or operator with approved closure plans shall submit a request for modification within 60 days of the request from the Agency, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 702.280, the modification to the plan must be approved in accordance with the procedures in subsection (c)(4), below.

d) Notification of partial closure and final closure.

- 1) When notice is required.

- A) The owner or operator shall submit the closure plan to the Agency at least 180 days prior to the date on which the owner or operator expects to begin closure of the first surface impoundment, waste pile, land treatment or landfill unit, or final closure if it involves such a unit, whichever is earlier.
- B) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.
- C) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage or incinerator units.
- D) Owners or operators with approved closure plans shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill or land treatment unit, or final closure of a facility involving such a unit.
- E) Owners or operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.
- F) Owners and operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage or incinerator units.

- 2) The date when the owner or operator "expects to begin closure" must be either:

- A) Within 30 days after the date on which any hazardous waste is received, stored, or otherwise handled in the volume of hazardous wastes or, if there is a reasonable

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possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit receives hazardous wastes, or, if the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take steps to ensure the health, safety, and the environment, including compliance with all interim status requirements, the Agency shall approve an extension to this one-year limit; or

- B) For units meeting the requirements of Section 725.311, the Agency shall approve an extension to the 30-day limit on which the hazardous waste management unit receives the known final volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the hazardous waste management unit receives the known final volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to ensure the health, safety, and the environment, including compliance with all applicable interim status requirements, the Agency shall approve an extension to this one-year limit.

- 3) The owner or operator shall submit the closure plan to the Agency no later than 15 days after:

- A) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or
- B) Issuance of a judicial decree or Board order to cease receiving hazardous wastes or close.

- 4) The Agency shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request a hearing. The Agency shall publish the notice on the date of the notice. The Agency shall also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Agency shall give public notice of the hearing at least 30 days before it occurs. The Agency shall publish the notice of the hearing at least 30 days before it occurs, as notice of the opportunity for the public to submit written comments and the two notices may be combined.) The Agency shall approve, modify or disapprove the plan within 90 days of its receipt. If the Agency does not approve the plan, the Agency shall provide the owner or operator with a detailed written statement of reasons for the refusal, and

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the owner or operator shall modify the plan or submit a new plan for approval within 30 days of the date of the written statement. The Agency shall approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved closure plan. The Agency shall assure that the approved plan is consistent with the requirements of Sections 725-215 and 725-216, and the requirements of Sections 725-358, 725-359, 725-360, 725-410, 725-451, 725-481 and 725-504, and 724-1102. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART H: FINANCIAL REQUIREMENTS

Section 725-240 Applicability

- a) The requirements of Sections 725-242, 725-243, and 725-247 through 725-250 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 725-101.

- b) The requirements of Section 725-244 and 725-246 apply only to owners and operators of:

- 1) Disposal facilities; or
- 2) Tank systems that are required under Section 725-297 to meet the requirements for landfills, or
- 3) Containment buildings that are required under 725-1102 to meet the requirements for landfills.

- c) States and the Federal Government are exempt from the requirements of this Subpart.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 725-242 Cost Estimate for Closure

- a) The owner or operator shall have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 725-211 through 725-215 and 725-328 through 725-359, 725-380 through 725-410, 725-451 through 725-504, and 725-1102.

- 1) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and

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manner of its operation would make closure the most expensive, as indicated by its closure plan (see Section 725-212(b)), and

- 2) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator (see definition of "owner or operator" in Section 725-241(d)). The owner or operator may use costs for on-site disposal if the owner or operator demonstrates that on-site disposal capacity will exist at all times over the life of the facility.

- 3) The closure cost estimate must not incorporate any salvage value that may be realized by the sale of hazardous wastes, or non-hazardous wastes if applicable under Section 725-213(d), facility structures or equipment, land or other facility assets at the time of partial or final closure.

- 4) The owner or operator shall not incorporate a zero cost for hazardous waste, or non-hazardous waste if applicable under Section 725-213(d), which may have economic value.

- b) During the active life of the facility, the owner or operator shall adjust the closure cost estimate for inflation within 60 days after the end of each fiscal year. The owner or operator shall use the financial instruments used to comply with Section 725-243. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency as required by Section 725-247. The closure cost estimate made by recalculating the closure cost estimate in current dollars, or by using an inflation factor derived from the most recent annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business as specified in subsection (b)(1) and (b)(2), the inflation factor published by the U.S. Department of Commerce, or the Deflator by the Deflator for the previous year.

- 1) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

- 2) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

- c) During the active life of the facility, the owner or operator shall revise the closure cost estimate no later than 30 days after a revision has been made to the closure plan which increases the cost of closure. If the owner or operator has an approved closure plan, the closure cost estimate must be revised no later than 30 days after the Agency has approved the request to modify the closure plan. The revised closure cost estimate must be adjusted for inflation as specified in subsection (b).

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- d) The owner or operator shall keep the following at the facility cost during the operating life of the facility: The latest closure cost estimate prepared in accordance with subsections (a) and (c) and, when this estimate has been adjusted in accordance with subsection (b), the latest adjusted closure cost estimate.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 725-243 Financial Assurance for Closure

An owner or operator of each facility shall establish financial assurance for the closure of the facility. The owner or operator shall choose from the options as specified in subsections (a) through (e).

a) Closure trust fund.

- 1) An owner or operator may satisfy the requirements of this subsection by establishing a closure trust fund which conforms to the requirements of this subsection and submitting an original, signed duplicate of the trust agreement to the Agency. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

- 2) The wording of the trust agreement must be as specified in 35 Ill. Adm. Code 724.251 and the trust agreement must be accompanied by a formal certification of acknowledgment as specified in 35 Ill. Adm. Code 724.251. Schedule A of the trust agreement must be deposited with the Agency. The closure trust agreement must contain the amount of the current closure cost estimate covered by the agreement.

- 3) Payments into the trust fund must be made annually by the owner or operator over the 20 years beginning May 19, 1981, or over a shorter period if the owner or operator can demonstrate that the closure plan, whichever period is shorter, is shorter; this period is hereafter referred to as the "pay-in period." The payments into the closure trust fund must be made as follows:

- A) The first payment must be made before May 19, 1981, except as provided in subsection (a)(5). The first payment must be at least equal to the current closure cost estimate, except as provided in subsection (f), divided by the number of years in the pay-in period.
- B) Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by the formula:

$$\text{Next payment} = (CE - CV) / Y$$

where CE is the current closure cost estimate, CV is the current value of the trust fund and Y is the number of years remaining in the pay-in period.

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- 4) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current closure cost estimate at the time the fund is established. However, the owner or operator shall maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3).
- 5) If the owner or operator establishes a closure trust fund after having used one or more alternate mechanisms specified in this Section, the owner or operator's first payment must be in at least the amount that the fund would contain if the fund had been established and annual payments made as specified in subsection (a)(3).
- 6) After the pay-in period is completed, whenever the current closure cost estimate changes, the owner or operator shall compare the new estimate with the trustee's most recent estimate. If the new estimate is less than the current estimate, the fund is less than the amount of the new estimate. The owner or operator, within 60 days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified in this Section to cover the difference.
- 7) If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the Agency for an estimate of the amount in excess of the current closure cost estimate.
- 8) If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, the owner or operator may submit a written request to the Agency for an estimate of the amount of the current closure cost estimate covered by the trust fund.
- 9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsections (a)(7) or (a)(8), the Agency shall instruct the trustee to release the funds to the owner or operator such funds as the Agency specifies in writing.
- 10) After beginning partial or final closure, an owner or operator or another person authorized to conduct partial or final closure may request reimbursement for closure costs from the Agency. The owner or operator may request reimbursement for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for partial or final closure activities, the owner or operator shall submit to the Agency the amount of those amounts as the Agency specifies in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the Agency determines that

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the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, it shall withhold reimbursement of such amounts until the cost estimates are received. In accordance with subsection (h), that the owner or operator is required to maintain financial assurance for final closure of the facility. If the Agency does not instruct the trustee to make such reimbursements, the Agency shall provide the owner or operator a detailed written statement of reasons.

- 1) The Agency shall agree to termination of the trust when:
 - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).
- b) Surety bond guaranteeing payment into a closure trust fund.
 - 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting the bond to the Agency. The surety company issuing the bond must, at a minimum, be a member of the National Association of Sureties on Federal Bonds in Circular 570 of the U.S. Department of the Treasury.
 - 2) The wording of the surety bond must be as specified in 35 Ill. Adm. Code 724.251.
 - 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a) except that:
 - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
 - B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
 - i) Payments into the trust fund as specified in subsection (a);
 - ii) Updating of Schedule A of the trust agreement (see 40 CFR 264.251(a)) to show current closure cost estimates;
 - iii) Annual valuations as required by the trust agreement; and

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- iv) Notices of nonpayment as required by the trust agreement.
- 4) The bond must guarantee that the owner or operator will:
 - A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or
 - B) Fund the standby trust fund in an amount equal to the penal sum of the bond 15 days before the final closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or
 - C) Provide alternate financial assurance as specified in this Section, and obtain the Agency's written approval of the alternate financial assurance 90 days before the receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.
- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.
- 6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate, except as provided in subsection (f).
- 7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate, or obtain other financial assurance to increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
- 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur until the Agency has received the notice of cancellation from both the owner or operator and the Agency, as evidenced by the return receipts.
- 9) The owner or operator may cancel the bond if the Agency has received the notice of cancellation from both the owner or operator and the Agency, as evidenced by the return receipts. The Agency shall provide evidence of alternate financial assurance as specified in this Section.
- c) Closure letter of credit.
 - 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit

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which conforms to the requirements of this subsection and the requirements of this Section shall also establish a standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a), except that:

- 2) The wording of the letter of credit must be as specified in 35 Ill. Adm. Code 724.251.
- 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section shall also establish a standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a), except that:
 - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and
 - B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations.
 - i) Payments into the trust fund as specified in subsection (a);
 - ii) Updating of Schedule A of the trust agreement (as specified in 35 Ill. Adm. Code 724.251) to show current closure cost estimates;
 - iii) Annual valuations as required by the trust agreement; and
 - iv) Notices of nonpayment as required by the trust agreement.

4) The letter of credit must be accompanied by a letter from the owner or operator certifying the letter of credit by number, issuing institution, and date and providing the following information: the EPA Identification Number, name and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.

5) The letter of credit must be irrevocable and issued for a period of at least 1 year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least 1 year unless, at least 120 days before the current expiration date, the issuing institution has received a decision not to extend the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as

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evidenced by the return receipts.

- 6) The letter of credit must be issued in an amount at least equal to the current closure cost estimate, except as provided in subsection (f).
- 7) Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator must, within 90 days of the date of the increase, or cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. The Agency shall determine whether the estimate of the amount of the credit has been caused by the amount of the current closure cost estimate following written approval by the Agency.
- 8) Following a final judicial determination or Board order finding that the owner or operator has failed to perform financial obligations, the Agency may draw on the letter of credit. When required to do so, the Agency may draw on the letter of credit.
- 9) If the owner or operator does not establish alternate financial assurance in this Section and fails to obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency shall draw on the letter of credit. The Agency may delay the drawing if the issuing institution has agreed to extend the expiration date. During the last 30 days of any such extension the Agency shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this Section and obtain written approval of such assurance from the Agency.
- 10) The Agency shall return the letter of credit to the issuing institution for termination when:
 - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).

d) Closure insurance.

1) An owner or operator may satisfy the requirements of this Section by obtaining closure insurance which conforms to the requirements of this subsection and submitting a certificate of such insurance to the Agency. At a minimum, the insurer must provide insurance for the purchase of the facility, and be eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

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- 2) The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251.
- 3) The closure insurance policy must be issued for a face amount at least equal to the current closure cost estimate, except as provided in subsection (f). The term "face amount" shall mean the maximum amount payable by the insurer to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.
- 4) The closure insurance policy must guarantee that funds will be available to pay the maximum cost of closure should a closure occur. The policy must also guarantee that, once final out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies.
- 5) After beginning partial or final closure, an owner or operator or any other person authorized to conduct closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursement for partial closure only if the minimum value of the policy sufficient to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for closure activities, the Agency shall instruct the insurer to make reimbursement in such amounts as the Agency specifies. The Agency shall not be required to make reimbursement for final closure expenditures are in accordance with the approved closure plan or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the face amount of the policy, it shall withhold all or part of the reimbursement until the Agency determines, in accordance with subsection (h), that the owner or operator is no longer required to maintain financial assurance for final closure of the particular facility. If the Agency does not instruct the insurer to make such reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.
- 6) The owner or operator shall maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator as specified in subsection (f). The owner or operator shall not substitute or attempt to substitute any other policy without the approval of the Agency. The Agency may, without substitution of alternate financial assurance, specify in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon receipt by the Agency of a bill for closure costs. The owner or operator shall be deemed to nonpayment of the premium, rather than upon the date of expiration.
- 7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such

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- assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.
- 8) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at minimum, provide the insured with the option of renewal of the policy for the same term and amount. If the insurer fails to provide the option of renewal, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or failure to renew may not occur, unless the owner or operator has received the return receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:
 - A) The Agency deems the facility abandoned; or
 - B) Interim status is terminated or revoked; or
 - C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; or
 - D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy); or
 - E) The premium due is paid.
 - 9) Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, shall either (a) pay the difference between the current estimate and the face amount of the policy to the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
 - 10) The Agency shall give written consent to the owner or operator that the owner or operator may terminate the insurance policy when:
 - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h) below.
- e) Financial test and corporate guarantee for closure.
- 1) An owner or operator may satisfy the requirements of this

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Section by demonstrating that the owner or operator passes a financial test as specified in this subsection. To pass this test the owner or operator shall meet the criteria of either subsection (e)(1)(A) or (e)(1)(B):

- A) The owner or operator shall have:
 - i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of current plugging and abandonment cost estimates to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and
 - ii) Net working capital and tangible net worth each at least \$500,000 less the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.
- B) The owner or operator shall have:
 - i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's; and
 - ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.
- 2) The phrase "current closure and post-closure cost estimates" as used in subsection (e)(1) refers to the cost estimates as used in subsection (e)(1) less the sum of the owner's or operator's chief financial officer (40 CFR 264.151(f)) (incorporated by reference in 35 Ill. Adm. Code 724.251). The phrase "current plugging and abandonment cost estimates" as used in subsection (e)(1) refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner's or operator's chief financial

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officer (40 CFR 144.70(f)), incorporated by reference in 35 Ill. Adm. Code 704.240.

- 3) To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following items to the Agency:
 - A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 35 Ill. Adm. Code 724.251; and
 - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and
 - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
 - i) The accountant has compared the data which the letter from the chief financial officer, the independent certified public accountant, the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - ii) In connection with that procedure, no matters have been brought to the attention of the accountant to believe that the specified data should be adjusted.
- 5) After the initial submission of items specified in subsection (e)(3), the owner or operator shall send updated information to the Agency for each subsequent year of each succeeding fiscal year. This information must consist of all three items specified in subsection (e)(3).
- 6) If the owner or operator no longer meets the requirements of subsection (e)(1), the owner or operator shall send notice to the Agency of the date when the owner or operator's assurance as specified in this Section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator shall provide the alternate financial assurance within 120 days after the end of such fiscal year.
- 7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (e)(1), require reports or financial condition at the discretion of the owner or operator. In addition to those specified under subsection (e)(1), the Agency may, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (e)(1), the owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of such a finding.

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- 8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent testing agency. The Agency may also request report on examination of the owner's or operator's financial statements (see subsection (e)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide the Agency with the financial statements required by this Section within 30 days after notification of the disallowance.
- 9) The owner or operator is no longer required to submit the items specified in subsection (e)(3) when:

- A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
- B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).

- 10) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee." The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, or the owner or operator shall obtain a written guarantee from the parent corporation of the owner or operator or a firm with a "substantial business relationship" with the owner or operator. The guarantor shall meet the requirements for owners or operators in subsections (e)(1) through (e)(8) and shall comply with the terms of the corporate guarantee. The guarantor shall file the corporate guarantee with the Agency within 30 days after the date of the hearing and the hearing set specified in 35 Ill. Adm. Code 724.251. The corporate guarantee must accompany the items sent to the Agency as specified in subsection (e)(3). One of these items must be the letter from the guarantor's chief financial officer or the guarantor's parent corporation to the Agency stating that the guarantor is a guarantor of the owner or operator and that the guarantor is a guarantor of the owner or operator. The letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this substantial business relationship. The letter must be signed by the guarantor and must be in the original and two copies. The Agency may require the guarantor to provide a copy of the corporate guarantee to the Agency. The terms of the corporate guarantee must provide that:

- A) If the owner or operator fails to perform final closure of a facility covered by the corporate guarantee, the guarantor shall be liable for the cost of the interim status requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in subsection (a) in the name of the owner or operator.
- B) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during

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the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipt.

- C) If the owner or operator fails to provide alternate financial assurance as specified in this Section and obtains the written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a letter of disallowance, the owner or operator shall provide the guarantor the guarantor will provide such alternate financial assurance in the name of the owner or operator.
- D) Use of multiple financial mechanisms. An owner or operator may use multiple financial mechanisms to provide more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds, letters of credit and insurance. The mechanisms must be as specified in subsections (a) through (d), respectively, except that it is the combination of mechanisms, rather than the single mechanism, which must provide the required financial assurance. The owner or operator must provide a cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, the owner or operator may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for closure of the facility.
- E) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. The financial assurance mechanism submitted to the Agency must include a list showing, for each facility, the EPA Identification Number, name, address and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established for each facility. The owner or operator must provide a cost estimate to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for closure of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.
- F) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that the owner or operator has met the requirements of the approved closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain financial assurance for closure of the facility, unless the Agency determines that closure has not been in accordance with the approved closure plan. The Agency may also provide a statement of the Agency's determination of such determination that closure has not been in accordance with the approved closure plan.
- G) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. The financial assurance mechanism submitted to the Agency must include a list showing, for each facility, the EPA Identification Number, name, address and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established for each facility. The owner or operator must provide a cost estimate to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for closure of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.
- H) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that the owner or operator has met the requirements of the approved closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain financial assurance for closure of the facility, unless the Agency determines that closure has not been in accordance with the approved closure plan. The Agency may also provide a statement of the Agency's determination of such determination that closure has not been in accordance with the approved closure plan.

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3) Appeal. The following Agency actions are deemed to be permit modifications and are hereby proposed to be modified for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):

- 1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit or insurance;
- 2) Requiring alternate assurance upon a finding that an owner or operator, or parent corporation, no longer meets a financial test.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 725.245 Financial Assurance for Post-Closure Monitoring and Maintenance

An owner or operator of a facility with a hazardous waste disposal unit shall establish financial assurance for post-closure care of the disposal unit(s). The owner or operator shall choose from the following options:

a) Post-closure trust fund.

- 1) An owner or operator may satisfy the requirements of this Section by establishing a post-closure trust fund which shall be established by the owner or operator and by submitting an original, signed duplicate of the trust agreement to the Agency. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

- 2) The wording of the trust agreement must be as specified in 35 Ill. Adm. Code 724.251 and the trust agreement must be accompanied by a formal certification of acknowledgment (as specified in 35 Ill. Adm. Code 724.251). Schedule A of the trust agreement must be updated within 60 days after a change in an owner or operator's current post-closure cost estimate covered by the agreement.

- 3) Payments into the trust fund must be made annually by the owner or operator over the 20 years beginning May 19, 1981, or over the remaining operating life of the facility, whichever period is shorter; this period is hereafter referred to as the "pay-in period." The payments into the post-closure trust fund must be made as follows:

- A) The first payment must be made before May 19, 1981, and subsequent payments must be made annually. The first payment must be at least equal to the current post-closure cost estimate, except as provided in subsection (f), divided by the number of years in the pay-in period.
- B) Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

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Next Payment = $(CE - CV) / Y$

where CE is the current post-closure cost estimate, CV is the current value of the trust fund and Y is the number of years remaining in the pay-in period.

- 4) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current post-closure cost estimate at the time the fund is established. However, the owner or operator shall maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3).

- 5) If the owner or operator establishes a post-closure trust fund after having used one or more alternate mechanisms specified in this Section, the owner or operator's first payment shall be the current post-closure cost estimate. Subsequent payments into the trust fund were established initially and annual payments made as specified in subsection (a)(3).

- 6) After the pay-in period is completed, whenever the current post-closure cost estimate changes during the operating life of the facility, the owner or operator shall update the new estimate of the current post-closure cost estimate of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this period is equal to the current post-closure cost estimate or obtain other financial assurance as specified in this Section to cover the difference.

- 7) During the operating life of the facility, if the value of the current post-closure cost estimate is less than the current post-closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate.

- 8) If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, owner or operator may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.

- 9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsections (a)(7) or (a)(8), the Agency shall instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.

- 10) During the period of post-closure care, the Agency shall approve a release of funds if the owner or operator demonstrates to the Agency that the value of the trust fund exceeds the remaining cost of post-closure care.

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- 11) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency shall instruct the trustee to make reimbursement in those amounts as the Agency determines to be appropriate. The Agency shall instruct the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the trustee to make such reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.
- 12) The Agency shall agree to termination of a trust when:
 - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).
- b) Surety bond guaranteeing payment into a post-closure trust fund.
 - 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting the bond to the Agency. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Bonds in Circular 970 of the U.S. Department of the Treasury.
 - 2) The wording of the surety bond must be as specified in 35 Ill. Adm. Code 724.251.
 - 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a), except that:
 - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
 - B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
 - i) Payments into the trust fund as specified in subsection (a);
 - ii) Updating of Schedule A of the trust agreement (as specified in 35 Ill. Adm. Code 724.251) to show current post-closure cost estimates;

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- iii) Annual valuations as required by the trust agreement; and
- iv) Notices of nonpayment as required by the trust agreement.
- 4) The bond must guarantee that the owner or operator will:
 - A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or
 - B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or
 - C) Provide alternate financial assurance as specified in this Section, subject to the Agency's approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.
- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.
- 6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (f).
- 7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, the Agency, or the surety shall cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases, the owner or operator shall cause the current post-closure cost estimate following written approval by the Agency.
- 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation to the owner or operator and the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
- 9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial assurance as specified in this Section.

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c) Post-closure letter of credit.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining irrevocable standby letter of credit which conforms to the requirements of this subsection and submitting the letter to the Agency. The issuing institution shall be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency.
- 2) The wording of the letter of credit must be as specified in 35 Ill. Adm. Code 724.251.
- 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. The Agency shall establish the specific requirements of the trust fund specified in subsection (a), except that:
 - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and
 - B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
 - i) Payments into the trust fund as specified in subsection (a);
 - ii) Updating of Schedule A of the trust agreement (as specified in 35 Ill. Adm. Code 724.151) to show current post-closure cost estimates;
 - iii) Annual valuations as required by the trust agreement; and
 - iv) Notices of nonpayment as required by the trust agreement.
- 4) The letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the EPA Identification Number, name and address of the facility, and the amount of funds assured and post-closure care of the facility by the letter of credit.
- 5) The letter of credit must be irrevocable and issued for a period of at least 1 year. The letter of credit must be extended for a period of at least 1 year unless it is extended for a period of at least 112 days before the current expiration date, the issuing

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- institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the owner or operator shall be responsible for the cost of the letter of credit and the Agency has received the notice, as evidenced by the return receipts.
- 6) The letter of credit must be issued in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (f).
- 7) Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 90 days of the increase, shall submit to the Agency a letter of credit be increased so that it at least equals the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases during the operating life of the facility, the amount of the credit may be reduced to the current post-closure cost estimate following written approval by the Agency.
- 8) During the period of post-closure care, the Agency shall approve a decrease in the amount of the letter of credit if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.
- 9) Following a final judicial determination or Board order finding that the owner or operator has failed to perform post-closure care and other interim status requirements, the Agency may draw on the letter of credit.
- 10) If the owner or operator does not establish alternate financial assurance as specified in this Section and obtain the necessary financial assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency shall draw on the letter of credit. The Agency may delay the drawing if the issuing institution agrees to extend the expiration date. During the last 30 days of any such extension the Agency shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this Section and obtain written approval of such assurance from the Agency.
- 11) The Agency shall return the letter of credit to the issuing institution for termination when:
 - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - B) The Agency releases the owner of operator from the

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requirements of this Section in accordance with subsection (h).

d) Post-closure insurance.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining post-closure insurance which conforms to the requirements of this subsection and submitting a certificate of such insurance to the Agency. At a minimum, the insurer shall be licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.
- 2) The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251.
- 3) The post-closure insurance policy must be issued for a face amount at least equal to the current post-closure estimate, except as provided in subsection (f). The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer's will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.
- 4) The post-closure insurance policy must guarantee that funds will be available to provide post-closure care of facility whenever the post-closure period begins. The policy must also guarantee that, once post-closure care begins, the owner or operator shall be reimbursed for the full amount of an amount equal to the face amount of the policy, upon the direction of the Agency, to such party or parties as the Agency specifies.
- 5) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency shall instruct the insurer to make reimbursement in such amounts as the Agency determines. If the Agency determines that the bills are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the insurer to make such reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.
- 6) The owner or operator shall maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator as specified in subsection (d)(11). Failure to pay the premium, without submission of adequate financial assistance as specified in this Subsection, shall constitute cause for termination of this Subsection. If the Agency determines that these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.

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- 7) Each policy must contain a provision allowing assignment of the policy to the Agency upon termination of the insurance, provided such consent is not unreasonably refused.
- 8) The policy must provide that the insurer may not cancel, suspend, or refuse to renew the policy except for failure to pay the premium. The insurer may not refuse to renew at a minimum. Provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by registered mail to the insured and the Agency. Cancellation, termination or failure to renew may occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Suspension, termination or failure to renew may not occur, however, if the insured has paid the premium and the event that on or before the date of expiration.
- A) The Agency deems the facility abandoned; or
- B) Interim status is terminated or revoked; or
- C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; or
- D) The owner or operator is named as debtor in a Chapter 11 reorganization proceeding under 11 U.S.C. (Bankruptcy) or
- E) The premium due is paid.
- 9) Whenever the current post-closure cost estimate increases to the extent that the face amount of the policy during the operating life of the facility, the owner or operator, within 60 days after the increase, shall either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance for the current post-closure cost estimate increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.
- 10) Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer shall thereafter annually increase the face amount of the policy. Such increase must be equivalent to the face amount of the current post-closure cost estimate multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities.
- 11) The Agency shall give written consent to the owner or

operator that the owner or operator may terminate the insurance policy when:

- A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).
- e) Financial test and corporate guarantee for post-closure care.
- 1) An owner or operator may satisfy the requirements of this subsection by demonstrating that it meets a financial test as specified in this subsection. To pass this test the owner or operator shall meet the criteria of either subsection (e)(1)(A) or (e)(1)(B):
 - A) The owner or operator shall have:
 - i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of total assets to current liabilities greater than 1.5; and
 - ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates; and
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the plugging and abandonment cost estimates.
 - B) The owner or operator shall have:
 - i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's; and
 - ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets located in the United States amounting to at least 90 percent of its total assets or at

least six times the sum of the current closure and post-closure cost estimates; and

- 2) The phrase "current closure and post-closure cost estimates" as used in subsection (e)(1) refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner or operator to the Agency from the independent certified public accountant, office 40 CFR 264.151(f) (incorporated by reference in 35 Ill. Adm. Code 724.251). The phrases "current plugging and abandonment cost estimates" as used in subsection (e)(1) refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner or operator's chief financial officer, office 40 CFR 264.151(f), incorporated by reference in 35 Ill. Adm. Code 704.240.
- 3) To demonstrate that it meets this test, the owner or operator shall submit the following items to the Agency:
 - A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 35 Ill. Adm. Code 724.251; and
 - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and
 - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
 - i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.
- 5) After the initial submission of items specified in subsection (e)(3), the owner or operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (e)(3).
- 6) If the owner or operator no longer meets the requirements of subsection (e)(1), the owner or operator shall send notice to the Agency of intent to establish alternate financial assurance as specified in this Section. The notice must be submitted to the Agency within 90 days after the close of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator shall provide the alternate financial

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assurance within 120 days after the end of such fiscal year.

- 7) The Agency may, based on a reasonable belief that the owner or operator no longer meet the requirements of subsection (e)(1), require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (e)(3). If the Agency finds, on the basis of such reports or other information, that the owner or operator does not meet the requirements of subsection (e)(1), the owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of such a finding.
- 8) The Agency may disallow use of this test on the basis of any of the following: (a) the test was expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (e)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The Agency may disallow the use of this alternate financial assurance as specified in this Section within 30 days after notification of the disallowance.
- 9) During the period of post-closure care, the Agency shall require the owner or operator to demonstrate financial assurance if the owner or operator demonstrates to the Agency that the amount of the cost estimate exceeds the remaining cost of post-closure care.
- 10) The owner or operator is no longer required to submit the items specified in subsection (e)(3) when:
- A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).
- 11) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereinafter referred to as a "guarantee," from the owner or operator, the owner or direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantee shall be in the form of a letter from the owner or operators in subsections (e)(1) through (e)(9) and shall comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be identical to the wording as specified in 35 Ill. Adm. Code 724.251. The corporate guarantee must accompany the items sent to the Agency. The Agency may disallow the use of this alternate financial assurance if the guarantee is not signed by a chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the

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letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, the letter must also describe the nature of the business relationship and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide that:

- If the owner or operator fails to perform post-closure care of facilities covered by the corporate guarantee in accordance with the post-closure plan and other interim status requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in subsection (a) in the name of the owner or operator.
- The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the period of post-closure care. The guarantor shall provide notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
- If the owner or operator fails to provide alternate financial assurance as specified in this Section and the owner or operator fails to provide the alternate financial assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternate financial assurance in the name of the owner or operator.
- Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are to be used in accordance with the following subsections of insurance. The mechanisms must be as specified in subsections (a) through (d), respectively, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current post-closure cost estimate. If an owner or operator uses a trust fund as the mechanism for the alternate financial assurance, it may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for post-closure care of the facility.
- Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the EPA funds for Identification Number(s) of the facility, the EPA funds for post-closure care, and the amount of the alternate financial assurance available through the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been

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established and maintained for each facility. The amount of funds available to the Agency must be sufficient to provide post-closure care for all of the owner or operator's facilities. In directing funds available through the mechanism for post-closure care of any of the facilities covered by the mechanism, the Agency may direct the owner or operator to use the funds available to the owner or operator or to the use of additional funds available under the mechanism.

- b) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator that the post-closure care plan has been completed in accordance with the approved post-closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain financial assurance for post-closure care of that unit, unless the Agency determines that the owner or operator has not complied with the approved post-closure plan. The Agency shall provide the owner or operator a detailed written statement of any such determination that post-closure care has not been in accordance with the approved post-closure plan.

- j) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):

- 1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit or insurance;
- 2) Requiring alternate assurance upon a finding that an owner or operator, or parent corporation, no longer meets a financial test.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 725.247 Liability Requirements

- a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of facilities, shall demonstrate financial responsibility to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence. The liability coverage shall be in addition to any other exclusive of legal defense liability coverage. This liability coverage may be demonstrated as specified in subsections (a)(1), (2), (3), (4), (5) and (6) below:

- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this subsection.
- A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance.

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The wording of the endorsement must be as specified in 35 Ill. Adm. Code 724.251. The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251. The owner or operator shall submit a signed duplicate original of the endorsement to the Agency. The Agency shall review the endorsement requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy.

- B) Each insurance policy must be issued by an insurer licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage as specified in subsections (f) and (g) below.
- 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in subsection (h) below.
- 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i) below.
- 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in subsection (j) below.
- 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond and trust fund except that the owner or operator may not combine a financial test with a letter of credit or a surety bond coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates liability coverage through a combination of combination of financial assurances under this subsection, the owner or operator shall specify at least one such assurance as "primary" coverage, and shall specify other such assurance as "excess" coverage.

- 7) An owner or operator shall notify the Agency within 30 days whenever:

- A) Whenever a claim for bodily injury or property damage caused by the operation of a hazardous waste treatment, storage or disposal facility is made against the owner or operator, and the owner or operator provides financial assurance for liability coverage under this Section; or
- B) Whenever the amount of financial assurance for

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liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) above to reduced.

A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (a)(1) through (a)(6) above.

B) A Certification of Valid Claim for bodily injury or property damage caused by a sudden and non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under subsections (a)(1) through (a)(6) above, or

C) A final court order establishing a judgement for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and an instrument that in providing financial assurance for liability coverage under subsections (a)(1) through (a)(6) above.

b) Coverage for non-sudden accidental occurrences. An owner or operator of a pollution control facility which is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by non-sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have financial responsibility for non-sudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. An owner or operator meeting the requirements of this Section may combine the required per-occurrence coverage levels for sudden and non-sudden accidental occurrences into a single annual aggregate level. The required annual aggregate coverage levels for sudden and non-sudden accidental occurrences into a single annual aggregate level. Owners or operators who combine coverage levels for sudden and non-sudden accidental occurrences shall maintain liability coverage in the amount of at least \$3 million per occurrence and an annual aggregate. This liability coverage may be demonstrated as specified in subsections (b)(1), (2), (3), (4), (5) and (6) below:

1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this subsection.

A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in subsection 3. The certificate of liability insurance must be as specified in 35

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Ill. Adm. Code 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy.

- B) Each insurance policy must be issued by an insurer which is licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage as specified in subsections (f) and (g) below.
- 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in subsection (h) below.
- 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i) below.
- 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in subsection (j) below.
- 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond and trust fund, except that the owner or operator may not combine a financial test covering part of the liability with a financial test covering the remainder of the liability. The statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through subsections (f) through (j), the owner or operator shall specify at least one such assurance as "primary" coverage, and shall specify other such assurance as "excess" coverage.
- 7) An owner or operator shall notify the Agency within 30 days whenever:
 - A) Whenever a claim for bodily injury or property damage caused by the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage provided by subsections (a)(1) through (a)(6) above to reduced.
 - B) Whenever the amount of financial assurance for liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) above to reduced.

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A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (b)(1) through (b)(6) above.

B) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under subsection (b)(1) through (b)(6) above, or

C) A final court order establishing a judgment for bodily injury or property damages caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under subsection (b)(1) through (b)(6) above.

c) Request for adjusted level of required liability coverage. If an owner or operator determines that the degree and duration of financial responsibility required by subsections (a) or (b) above are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage shall be in writing to the Agency. If granted, the Agency's action shall take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b) above. The Agency shall process any request for an adjusted level of required liability coverage as a permit modification request under 35 Ill. Code 703.271(e)(3) and 705.128. Notwithstanding any other provision, the Agency shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a tentative decision to grant an adjusted level of required liability insurance. The Agency may also hold a public hearing at its discretion whenever such determination might clarify one or more issues involved in the tentative decision.

d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (a) or (b) above are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the Agency shall adjust the level of financial responsibility required under subsection (a) or (b) above as may be necessary to protect human health and the environment. This adjusted level must be based on the Agency's

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assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that there is a significant risk to human health and the environment from non-sudden accidental occurrences resulting from the operations of a facility that is the source, immediate transfer, storage, or disposal of hazardous waste, the owner or operator of the facility shall comply with subsection (b) above. An owner or operator shall furnish to the Agency, within a time specified by the Agency in the request, which shall not be less than 30 days, any information which the Agency requests to determine whether cause exists for such adjustments. The Agency may require an owner or operator to provide such technical and engineering information as is necessary to determine a level of required liability coverage as if it were a permit modification request under 35 Ill. Code 703.271(e)(3) and 705.128. Notwithstanding any other provision, the Agency shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a tentative decision to grant an adjusted level of required liability insurance. The Agency may also hold a public hearing at its discretion whenever such determination might clarify one or more issues involved in the tentative decision.

e) Period of coverage. Within 60 days after receiving certifications from the owner or operator and the Agency, the Agency shall complete the request for an adjusted level of required liability coverage. If the Agency determines that the degree and duration of risk associated with the approved closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain liability coverage for that facility, unless the Agency determines that closure has not been in accordance with the approved closure plan.

f) Financial test for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes a financial test for liability coverage. The owner or operator shall meet the criteria of subsection (f)(1) (A) or (B) below:

A) The owner or operator shall have:

- i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and
- ii) Tangible net worth of at least \$10 million; and
- iii) Assets in the United States amounting to either: at least 90 percent of total assets; or at least six times the amount of liability coverage to be demonstrated by this test.

B) The owner or operator shall have:

- i) A current rating for the owner or operator's most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A or Baa as issued by Moody's; and

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- i) Tangible net worth of at least \$10 million; and
 - iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and
 - iv) Assets in the United States amounting to either: at least 90 percent of total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
- 2) The phrase "amount of liability coverage" as used in subsection (f)(1) above refers to the annual aggregate amounts for which coverage is required under subsections (a) and (b) above.
- 3) To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following three items to the Agency:
- A) A letter signed by the owner's or operator's chief financial officer, dated and signed as specified in 35 Ill. Adm. Code 724.251. If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by 35 Ill. Adm. Code 724.243(f) and 724.245(f), or by Sections 725.143(e) and 725.145(e) of the Illinois Environmental Protection Act, the letter must also demonstrate that the owner or operator meets the requirements specified in 35 Ill. Adm. Code 724.251 to cover both forms of financial responsibility; a separate letter as specified in 35 Ill. Adm. Code 724.251 is not required.
 - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.
 - C) A special report from the independent certified public accountant stating that:
 - i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the owner's or operator's financial statements for the latest fiscal year with the amounts in such financial statements; and
 - ii) In connection with that procedure, no matters have been identified which would cause the accountant to believe that the specified data should be adjusted.
- 5) After the initial submission of items specified in subsection (f)(3) above, the owner or operator shall send subsequent annual submissions within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3)

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- above.
- 6) If the owner or operator no longer meets the requirements of subsection (f)(1) above, the owner or operator shall obtain independent certification from a certified public accountant or a guarantor for the entire amount of required liability coverage as specified in this Section. Evidence of insurance must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end test was conducted. If the owner or operator no longer meets the test requirements.
- 7) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B) above). An adverse opinion or a disclaimer of opinion is cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this Section within 30 days after notification of disallowance.
- g) Guarantor for liability coverage.
- 1) Subject to subsection (g)(2) below, an owner or operator may meet the requirements of this Section by obtaining a written guaranty, referred to as a "guarantee." The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with ownership in the owner or operator. The guarantor shall meet the requirements for owners and operators in subsection (f)(1) through (f)(6) above. The wording of the guarantee must be as specified in 35 Ill. Adm. Code 724.251. A certified copy of the guarantee must accompany the letter sent to the Agency as specified in subsection (f)(3) above. The letter must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. The guarantor must describe the substantial business relationship with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the guarantee must provide that:
- A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurrences (or both as the case may be), arising from the operation of facilities covered by this guarantee, or fails to pay the costs of defense or settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

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- B) The guarantee remains in force unless the guarantor sends notice of cancellation to the Agency. The guarantee must not be terminated unless and until the Agency approves alternate liability coverage complying with Section 725.247 or 35 Ill. Adm. Code 724.247.
- 2) The guarantor shall execute the guarantee in Illinois. The guarantee shall be accompanied by a letter signed by the guarantor which states that:
 - A) The guarantee was signed by an authorized agent of the guarantor;
 - B) The guarantee is governed by Illinois law; and
 - C) The name and address of the guarantor's registered agent for service of process.
- 3) The guarantor shall have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1991, ch. 32, par. 5.05 [805 ILCS 5/5.05]) or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 (Ill. Rev. Stat. 1991, ch. 32, par. 105.05 [805 ILCS 105/105.05]).

h) Letter of credit for liability coverage.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection, and submitting a copy of the letter of credit to the Agency.
- 2) The financial institution issuing the letter of credit shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies.

- 3) The wording of the letter of credit must be as specified in 35 Ill. Adm. Code 724.251.

- 4) An owner or operator who uses a letter of credit to satisfy the requirements of this Section shall submit the letter of credit to the Standby Trust Fund. Under the terms of such a letter of credit, all amounts paid pursuant to a draft by the trustee of the standby trust in accordance with instructions from the trustee. The trustee of the standby trust fund must be an entity which has the authority to act as a trustee and whose operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act (Ill. Rev. Stat. 1991, ch. 32, par. 155-1 et seq. [205 ILCS 620/-1 et seq.]).

- 5) The wording of the standby trust fund must be identical to the wording specified in 35 Ill. Adm. Code 724.251(h).

i) Surety bond for liability coverage.

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- 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting a copy of the bond to the Agency.
- 2) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance.
- 3) The wording of the surety bond must be as specified in 35 Ill. Adm. Code 724.251.

j) Trust fund for liability coverage.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining a trust fund which conforms to the requirements of this subsection and submitting signed, duplicate original of the trust agreement to the Agency.
- 2) The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act (Ill. Rev. Stat. 1991, ch. 32, par. 155-1 et seq. [205 ILCS 620/-1 et seq.]).
- 3) The trust fund for liability coverage must be funded for the full amount of the liability coverage required by the trust fund before it may be relied upon to satisfy the requirements of this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of liability coverage to be provided, the owner or operator, by the anniversary of the creation of the trust fund, shall submit to the Agency sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or obtain other financial assurance as specified in this Section to cover the difference. For purposes of this subsection, "the full amount of the liability coverage to be provided" is the full amount of liability coverage required by the owner or operator by this Section, less the amount of financial assurance for liability coverage which is being provided by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.

- 4) The wording of the trust fund must be as specified in 35 Ill. Adm. Code 724.251.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART K: SURFACE IMPOUNDMENTS

Section 725.321 Design and Operating Requirements

- a) The owner or operator of each new surface impoundment unit on which construction commences after January 29, 1992, each lateral unit on which construction commences after January 29, 1992, and each replacement of an existing unit on which construction commences after July 29, 1992, and each replacement of an existing

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surface impoundment unit that is to commence reuse after July 29, 1992, shall install two or more liners and a leachate collection and removal system between such liners, and operate the leachate collection and removal system, in accordance with 35 Ill. Adm. Code 724.321(c), unless exempted under 35 Ill. Adm. Code 724.321(d) and 35 Ill. Adm. Code 720.110 under "existing facility."

- b) The owner or operator of each unit referred to in subsection (a) above shall notify the Agency at least sixty days prior to receiving waste. The owner or operator of each facility submitting for a permit shall file an application within six months of the receipt of such notice.

- c) The owner or operator of any replacement surface impoundment unit is exempt from subsection (a) above if:

- 1) The existing unit was constructed in compliance with the design standards of 35 Ill. Adm. Code 724.321(c), (d) and (e), as amended in R86-1, at 10 Ill. Reg. 14119, effective August 12, 1986; and

BOARD NOTE: The cited subsections implemented the design standards of Sections 3004(c)(1)(A)(i) and (c)(5) of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).

- 2) There is no reason to believe that the liner is not functioning as designed.

- d) The Agency shall not require a double liner as set forth in subsection (a) above for any monofill, if:

- 1) The monofill contains only hazardous wastes from foundry, furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which render the wastes hazardous for reasons other than the toxicity characteristic in 35 Ill. Adm. Code 721.124, with USEPA hazardous waste numbers D004 through D017; and

- 2) No migration demonstration.

- A) Design and location requirements.

- 1) The monofill has at least one liner for which migration testing has been conducted. For the purposes of this subsection the term "liner" means a liner designed, constructed, installed and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility, or a liner designed, constructed, installed and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, groundwater or surface water at any time during the active life of the facility. In the case of any surface impoundment which has been exempted from the requirements of

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subsection (a) above, of a liner designed, constructed, installed and operated to prevent hazardous waste from passing beyond the liner, at the closure of such impoundment the owner or operator shall remove or decontaminate all waste from the liner, and the liner shall be sealed and decontaminated soil to the extent practicable. If all contaminated soil is not removed or decontaminated, the owner or operator of such impoundment shall comply with appropriate post-closure requirements, including but not limited to groundwater monitoring and corrective action.

- ii) The monofill is located more than one-quarter mile from an underground source of drinking water as that term is defined in 35 Ill. Adm. Code 702.110; and

- iii) The monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with RCRA permits; or,

- B) The owner or operator demonstrates to the Board that the monofill is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time.

- e) In the case of any unit in which the liner and leachate collection system have been installed pursuant to the requirements of subsection (a) above, and in good faith compliance with subsection (a) and with guidance documents governing liners and leachate collection systems under subsection (a) above, the Agency shall not require the owner or operator to install a different liner or collection system than that which was so installed pursuant to subsection (a) above when issuing the first permit to such facility, except that the Agency is not precluded from requiring installation of a new liner when the Agency finds that any liner installed pursuant to the requirements of subsection (a) above is leaking.

- f) A surface impoundment must maintain enough freeboard to prevent any overtopping of the dike by overflowing, wave action or a storm. Except as provided in subsection (g), below, there must be at least 60 centimeters (2 feet) of freeboard.

- g) A freeboard level less than 60 centimeters (two feet) may be maintained if the owner or operator obtains certification by a qualified engineer that alternate design features or operating plans will, to the best of the engineer's knowledge and opinion, prevent overtopping of the dike. The certification, along with a plan showing the alternate design features, shall be submitted to the Agency. Plans preventing overtopping, must be maintained at the facility.

BOARD NOTE: Any point source discharge from a surface impoundment to waters of the State is subject to the requirements of Section 12 of the Environmental Protection Act. Spills may be subject to Section 311 of the Clean Water

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Act (33 U.S.C. 1251 et seq.)

- b1) Surface impoundments that are newly subject to this Part due to the promulgation of additional listings or characteristics for the identification of hazardous waste must be in compliance with subsection (a) of this section after the date of the promulgation of the additional listing or characteristic. This compliance period shall not be cut short as the result of the promulgation of land disposal prohibitions under 35 Ill. Adm. Code 728 or the granting of an extension to the effective date of a prohibition pursuant to 35 Ill. Adm. Code 728.105, within this 48 month period.

- b2) Refusal to grant an exemption or waiver, or grant with conditions, may be appealed to the Board.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUPPORT N: LANDFILLS

Section 725.414 Special Requirements for Bulk-and-Containerized-Liquid Wastes

- a1) This subsection corresponds with 40 CFR 265.314(a), which pertains to the placement of bulk or non-containerized liquid waste or waste containing free liquids in a landfill prior to May 8, 1985. This statement maintains structural consistency with USEPA rules.
- b) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquid (wastes that meet the definition of hazardous waste in 40 CFR 261.3 and whose test results have been used) in any landfill is prohibited.
- c) Containers holding free liquids must not be placed in a landfill unless;

- 1) All free-standing liquid;
 - A) has been removed by decanting or other methods;
 - B) has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or
 - C) has been otherwise eliminated; or
 - 2) The container is very small, such as an ampule; or
 - 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
 - 4) The container is a lab pack as defined in Section 724.416 and is disposed of in accordance with Section 724.416.
- d) To demonstrate the absence or presence of free liquids in either a bulk or containerized liquid hazardous waste, the following method (9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," (EPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 721.111).

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- 4g) The placement of any liquids which is not a hazardous waste in a landfill is prohibited (35 Ill. Adm. Code 725.311).

- f1) Sorbents used to treat free liquids to be disposed of in landfills must be nondegradable. Nondegradable sorbents are: materials listed or described in subsection (f)(1) below; materials on the list in subsection (f)(2) below; or materials that are tested according to the procedure in subsection (f)(2) below through the 35 Ill. Adm. Code 106 adjusted standard process.

1) Nondegradable sorbents are:

- A) Inorganic minerals, other inorganic materials, and clays, such as talc, mica, bentonite, vermiculite, amorphous silica, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, mica (illite), vermiculites, zeolites, calcium carbonate (organic free limestone), oxides/hydroxides, alumina, lime, silica (sand), clays, clays, clays, clays, clays, clays, clays, clays, volcanic rock, volcanic ash, cement kiln dust, fly ash, rice hull ash, activated charcoal/activated carbon); or
- B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polymers, polyisobutylene, ground synthetic rubber, cross-linked all styrene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable, or
- C) Mixtures of these nondegradable materials.

2) Tests for nondegradable sorbents.

- A) The sorbent material is determined to be nondegradable under ASTM Method G21-70 (1984a)-Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or
 - B) The sorbent material is determined to be nondegradable under ASTM Method G26 (1984b)-Standard Practice for Determining Resistance of Plastics to Bacteria.
- g) Disposal of liquid wastes or wastes containing free liquids in a landfill is prohibited. The test method for determining the presence of free liquids in a liquid waste or waste containing free liquids is 709.520(f). The agency must require the addition of absorbents to any such waste, any provision of this section notwithstanding.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

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Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

- a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed to meet the following requirements:
 - 1) Inside containers must be leak-proof and constructed of a material that is not attacked by, or ignited by the waste held therein. Inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178 and 179), incorporated by reference in 35 Ill. Adm. Code 725.414(f). Those regulations specify a particular inside container for the waste.
- b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of not more than 416 liter (110 gallon) capacity and surrounded by, at least, 100 millimeters of absorbent material. The inside containers must be nonleakable in accordance with 35 Ill. Adm. Code 725.414(f) to completely absorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material.
- c) The absorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers, in accordance with Section 725.117(b).
- d) Incompatible wastes, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive waste, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with Section 725.117(a). Sulfide-bearing waste must be packaged in accordance with subsections (a) through (d) of this Section without first being treated or rendered non-reactive.
- f) Such disposal is in compliance with the requirements of 35 Ill. Adm. Code 720.110 and 720.111. Inside containers must meet the requirements of 35 Ill. Adm. Code 728.142(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums must meet the DOT specifications in 49 CFR 171.12 and be overpacked according to subsection (b).
- g) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART W: DRIP PADS

Section 725.540 Applicability

- a) The requirements of this Subpart apply to owners and operators of facilities that use new or existing drip pads to convey treated

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wood dripage, precipitation or surface water run-on to an associated collection system.

- 1) "Existing drip pads" are:

- a) Those constructed before December 6, 1990; and
 - b) Those for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 6, 1990.
- 2) All other drip pads are "new drip pads".
 - 3) The requirements of Section 725.543(b)(3) to install a leak collection system applies only to those drip pads that are constructed after December 24, 1992 except for those constructed after December 24, 1992 for which the owner or operator has entered into binding financial or other agreements for construction prior to December 24, 1992.

- b) The owner or operator of any drip pad that is inside or under a building that provides protection from precipitation so that neither runoff nor infiltration occurs is not subject to regulation under Section 724.672(e) or (f).

- c) The requirements of this subsection are not applicable to the management of infrequent and incidental dripage in storage yards or areas where the owner or operator has entered into a written contingency plan that describes how the owner or operator will respond immediately to the discharge of infrequent and incidental dripage. At a minimum, the contingency plan must describe how the owner or operator will do the following:

- 1) Clean up the dripage;

- 2) Document the clean-up of the dripage;

- 3) Retain documentation regarding the clean-up for three years; and

- 4) Manage the contaminated media in a manner consistent with State and Federal regulations.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 725.541 Assessment of existing drip pad integrity

- a) For each existing drip pad, the owner or operator shall evaluate the drip pad and determine that it meets all of the requirements of this Subpart, except the requirements for liners and leak detection, until December 6, 1991. The owner or operator shall obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent, qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and re-certified annually until all upgrades, repairs or modifications necessary to achieve

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compliance with all of the standards of Section 725.543 are complete. The evaluation must justify and document the extent to which the drip pad meets each of the design and operating standards of Section 725.543, except the standards for liners and leak detection systems, specified in Section 725.543(b) and must document compliance with subsection (b).

- b) The owner or operator shall develop a written plan for upgrading, repairing and modifying the drip pad to meet the requirements of Section 725.543(b) and submit the plan to the Agency no later than 180 days after the date of the Board's decision. The plan must include modifications to be complete. All. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all of the requirements of Section 725.543 and must document the age of the drip pad to the extent possible. The plan must be reviewed and certified by an independent registered professional engineer that the proposed repairs and modifications must be completed in accordance with the following:

- 1) For existing drip pads of known and documentable age, all upgrades and repairs and modifications must be completed by June 6, 1993, when the drip pad has reached 15 years of age, whichever comes later.
- 2) For existing drip pads for which the age cannot be documented, by June 6, 1993; but, if the age of the facility is greater than 15 years, all upgrades, repairs and modifications must be completed by June 6, 1993, whichever comes later.

- 3) The owner or operator may petition the Board for an extension of the deadline in subsection (b)(1) or (2).

A) The owner or operator shall file a petition for a RCRA variance as specified in 35 Ill. Adm. Code 104.

B) The Board will grant the petition for extension if it finds that:

- i) The drip pad meets all of the requirements of Section 725.543, except those for liners and leak detection systems specified in Section 725.543(b); and
- ii) That it will continue to be protective of human health and the environment.

c) Upon completion of all repairs and modifications, the owner or operator shall submit to the Agency the as-built drawings for the drip pad and the drawings for the leak detection system. The drawings must be prepared by a qualified, registered professional engineer attesting that the drip pad conforms to the drawings.

d) If the drip pad is found to be leaking or unfit for use, the owner or operator shall comply with the provisions of Section 725.543(m)

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or close the drip pad in accordance with Section 725.545.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 725.542 Design and installation of new drip pads

Owners and operators of new drip pads shall ensure that the pads are designed, installed and operated in accordance with all one of the following applicable requirements of Sections 725.543, 725.544 and 725.545.

a) All of the requirements of Sections 725.543 (except 725.543(a)(1)), 725.544 and 725.545; or

b) All of the requirements of Section 725.543 (except 725.543(b)), 725.544 and 725.545.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 725.543 Design and operating requirements

a) Drip pads must:

- 1) Not be constructed of earthen materials, wood or asphalt, unless the asphalt is structurally supported;
- 2) Be sloped to free-drain to the associated collection system treated wood drippage, rain, other waters, or solutions of drippage and water or other wastes;
- 3) Have a curb or berm around the perimeter;
- 4) In addition, the drip pad must:

A) Be impermeable to any concrete pads must be sealed, sealed or covered with an impermeable material which shall have a hydraulic conductivity of less than or equal to that of the concrete. Concrete drip pads must be sealed, coated or covered with a surface material with a hydraulic conductivity of less than or equal to 1 x 10⁻¹⁰ centimeters per second such that the entire surface where drippage occurs or may run across is capable of containing such drippage and preventing drippage and precipitation, misting and other wastes which are emitted to the associated collection system. This surface material must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the wastewater that contacts the drip pad. The owner or operator shall submit to the Agency the as-built drawings for the existing drip pads and those drip pads for which the owner or operator elects to comply with Section 725.542(a) instead of Section 725.542(b).

B) The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent qualified registered professional engineer that attests to the

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Results of the evaluation. The assessment must be reviewed, updated and recertified annually. The evaluation must document the extent to which the drip pad meets the minimum standards of this Section, except for in subsection (b) below.

BOARD NOTE:—The requirement that new drip pads be impermeable, e.g., that new drip pads be coated or otherwise treated to prevent leakage, is not a new requirement. The requirement that new drip pads be coated or covered with an impermeable material, is indefinitely stayed. The stays will remain in effect until the Board removes this note by further regulatory action implementing ASRM amendments at 57 Fed. Reg. 61492. The stays will not be continued on existing owners or operators complying with any Federal requirements already in effect in Illinois.

- 5) Be of sufficient structural strength and thickness to support the weight of the liner and the stresses of daily operations, e.g., variable and moving loads such as vehicle traffic, movement of wood, etc.

BOARD NOTE: In judging the structural integrity requirement of this section, the Board will consider applicable standards established by professional organizations generally recognized by the industry, including AISC 318 or ASTM C94, incorporated by reference in 35 Ill. Adm. Code 720.111.

- b) A drip pad or an existing drip pad, after the deadline established in Section 724.674(b) if an owner or operator elects to comply with subsection 725.542(b) instead of subsection 725.542(a), the drip pad must have:
 - 1) A synthetic liner installed below the drip pad that is designed, constructed and installed to prevent leakage from the drip pad into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the drip pad. The liner must be constructed of materials that will prevent releases into the adjacent subsurface soil or groundwater or surface water during the active life of the facility. The liner must be:

- A) Constructed of materials that have appropriate strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or drip pad leakage to which they are exposed, climatic conditions, the stress of installation and the stress conditions, including bending stresses from vehicular traffic on the drip pad;

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- B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure failure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and

- C) Installed to cover all surrounding earth that could come in contact with the waste or leakage; and
- 2) A leakage detection system immediately above the liner that is designed, constructed, maintained and operated to detect leakage from the drip pad. The leakage detection system must be:

- A) Constructed of materials that are:

- i) Chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and
- ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying materials and by any equipment used at the drip pad; and

- B) Designed and operated to function without clogging through the scheduled closure of the drip pad; and

- C) Designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.

- 3) A leaking collection system immediately above the liner that is designed, constructed, maintained and operated to collect leakage from the drip pad such that it can be removed from below the drip pad. The date, time, and quantity of any leakage collected in the system and removed must be documented in the operating log.

- A) The drip pad surface must be cleaned thoroughly in a manner and frequency such that accumulated residues of hazardous waste or other materials are removed which could prevent the detection of leaks or allow weekly inspections of the entire drip pad surface without interference of hindrance from accumulated residues of hazardous waste or other materials on the drip pad. The owner or operator must document the date and time of each cleaning and cleaning procedure used in the facility's operating log.

- B) The Federal rules do not contain a 40 CFR 265.442(b)(3)(ii). This subsection is added to conform to Illinois Administrative Code requirements.

- C) Drip pads must be maintained such that they remain free of cracks, gaps, corrosion or other deterioration that could cause hazardous waste to be released from the drip pad.

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BOARD NOTE: See subsection (m) below for remedial action required if deterioration or leakage is detected.

- d) The drip pad and associated collection system must be designed and operated to convey, drain and collect liquid resulting from drip-
page or precipitation in order to prevent run-off.
- e) Unless the drip pad is protected by a structure, as described in Section 725.540(b), the owner or operator shall design, construct, operate and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a 24-hour, 25-year storm, unless the system has sufficient excess capacity to contain any run-on that might enter the system.
- f) Unless the drip pad is protected by a structure or cover, as described in Section 725.540(b), the owner or operator shall design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
- g) The drip pad must be evaluated to determine that it meets the requirements of subsections (a) through (f). The owner or operator shall obtain a statement from an independent, qualified, registered professional engineer certifying that the drip pad design meets the requirements of this Section.
- h) Drillage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.
- i) The drip pad surface must be cleaned thoroughly at least once every 24 hours. Drillage and accumulated precipitation, waste or other materials are removed, using an appropriate and effective cleaning technique, including but not limited to, rinsing, washing with detergents or other appropriate solvents, or steam cleaning. The owner or operator shall document, in the facility's operating log, the date and time of each cleaning and the cleaning procedure.
- j) Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.
- k) After being removed from the treatment vessel, treated wood from pressure and non-pressure processes must be held on the drip pad until drillage has ceased. The owner or operator shall maintain records sufficient to document that all treated wood is held on the pad, in accordance with this Section, following treatment.
- l) Collection and holding units associated with run-on and run-off control systems must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.
- m) Throughout the active life of the drip pad, if the owner or operator detects a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of leakage in the leak detection system), the owner or operator shall, in accordance with the following procedures:

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- 1) Upon detection of a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of leakage in the leak detection system), the owner or operator shall:
- A) Enter a record of the discovery in the facility operating log;
- B) Immediately remove from service the portion of the drip pad affected by the condition;
- C) Determine what steps must be taken to repair the drip pad, clean up any leakage from below the drip pad, and establish a schedule for accomplishing the clean up and repairs;
- D) Within 24 hours after discovery of the condition, notify the Agency of the condition and, within 10 working days, provide written notice to the Agency with a description of the steps that will be taken to repair the drip pad, clean up any leakage, and the schedule for accomplishing this work.
- 2) The Agency shall: review the information submitted; make a determination regarding whether the pad must be removed from service completely or partially until repairs and clean up are completed; and, if removal is required, make a determination and the underlying rationale in writing.
- 3) Upon completing all repairs and clean up, the owner or operator shall notify the Agency in writing and provide a certification, signed by an independent, qualified, registered professional engineer, certifying that the repairs and clean up have been completed according to the written report submitted in accordance with subsection (m)(1)(D) above.
- n) The owner or operator shall maintain, as part of the facility operating log, documentation of past operating and waste handling practices, including but not limited to, the use of alternative formulations used in the past, a description of drillage management practices and a description of treated wood storage and handling practices.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART DD1 CONTAINMENT BUILDINGS

Section 725.1100 Applicability

The requirements of this Subpart apply to owners or operators who store or treat hazardous waste in units designed and operated under Section 725.1101. These provisions will become effective on February 18, 1993, although owner or operator may notify US EPA of his intent to be bound by this Subpart at an earlier time. The owner or operator is not subject to the definition of land disposal in 35 Ill. Admin. Code 728.102 provided that the unit:

- a) Is a completely enclosed, self-supporting structure that is

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designed and constructed of manmade materials of sufficient strength and thickness to support the weight of the unit and its equipment that operate within the unit, and to prevent failure due to:

- 1) Pressure gradients;
 - 2) Settlement, compression, or uplift;
 - 3) Physical contact with the hazardous wastes to which they are exposed;
 - 4) Climatic conditions;
 - 5) The stresses of daily operation including the movement of heavy equipment within the unit and contact of such equipment with containment walls.
- b) Has a primary barrier that is designed to be sufficiently durable to withstand the stresses of daily operation including the movement of personnel, waste, and handling equipment within the unit;
- c) If used to manage liquids, the unit has:

- 1) A primary barrier designed and constructed of materials to prevent migration of hazardous constituents into the barrier; and
- 2) A liquid collection system designed and constructed of materials to minimize the accumulation of liquid on the primary barrier; and
- 3) A secondary containment system designed and constructed of materials to prevent migration of hazardous constituents into the barrier, with a leak detection and liquid collection system capable of detecting, collecting, and removing any leakage of hazardous waste, and the longest practicable time unless the unit has been granted a variance from the secondary containment system requirements under subsection 725.110(b)(4);
- 4) Has controls sufficient to prevent fugitive dust emissions to meet or exceed the visible emission standard in subsection 725.110(c)(1)(D); and
- 5) Is designed and operated to ensure containment and prevent the tracking of materials from the unit by personnel or equipment.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 725.1101 Design and operating standards

- a) All containment buildings must comply with the following design and operating standards:
 - 1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, run on) and to assure containment

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of managed wastes.

- 2) The floor and containment walls of the unit, including the secondary containment system if required under subsection (b) of this Section, must be designed and constructed of materials of sufficient strength and thickness to support themselves and the waste contents and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, or uplift, physical contact with the hazardous wastes to which they are exposed, climatic conditions, and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. The unit must be designed so that it has sufficient structural strength to prevent collapse or other failure. All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes. The containment building shall meet the structural integrity requirements of the American Society of Testing and Materials (ASTM) C-492, Standard Specification for Concrete Reinforced by the Industry, such as the American Concrete Institute (ACI) and the American Society of Testing Materials (ASTM). If appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for light-weight doors and windows that meet these criteria:
 - a) They provide an effective barrier against fugitive dust emissions under subsection (c)(1)(D) below; and
 - b) The unit is designed and operated in a fashion that prevents that dust emissions will not actually come in contact with these openings.
- 3) Incompatible hazardous wastes or treatment reagents must not be placed in the unit or its secondary containment system if they could cause the unit or secondary containment system to fail, such as by corrosion, degradation, or otherwise fail.
- 4) A containment building must have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and must be designed to meet the following design and operating characteristics of the waste to be managed.

b) For a containment building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual inspection, or other appropriate means), the owner or operator must include:

- 1) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (e.g., a geomembrane covered by a concrete wear surface).
- 2) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building.

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31. The primary barrier must be sloped to drain liquids to the associated collection system, and
- B1. Liquids and waste must be collected and removed to minimize hydraulic head on the containment system at the earliest practicable time.
31. A secondary containment system including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier, and a leak detection system that is capable of detecting failure of the primary barrier and containing and removing hazardous wastes and liquids at the earliest practicable time.
- A1. The requirements of the leak detection component of the secondary containment system are satisfied by installation of a system that is, at a minimum:
- i1. Constructed with a bottom slope of 1 percent or more; and
- ii. Constructed of a granular drainage material with a hydraulic conductivity of 1×10^{-5} cm/sec or more and a thickness of synthetic or natural drainage materials with a transmissivity of 3×10^{-5} m²/sec or more.
- B1. If treatment is to be conducted in the building, an area in which such treatment will be conducted must be constructed to contain and remove hazardous materials, or liquid aerosols to other portions of the building.
- C1. The secondary containment system must be constructed of materials that are chemically resistant to the building contents, and must be constructed with sufficient strength and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlying materials and by any equipment used in the containment building. (Containment buildings can serve as secondary containment systems and/or tanks placed within the building can serve as an external liner system for a tank, provided it meets the requirements of section 725.293(d)(1). In addition, the containment building must meet the requirements of subsections 725.293(b) and (c) to be an acceptable secondary containment system for a tank.)
41. For existing units other than 90-day generator units, USEPA may delay the secondary containment requirement for up to two years, based on a demonstration by the owner or operator that it substantially meets the standards of this Subpart. The demonstration must be submitted to the owner or operator must:
- A1. Provide written notice to USEPA of their request by

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- November 16, 1992. This notification must describe the unit and its operation, and must include a reference to the performance of existing systems, and specific plans for retrofitting the unit with secondary containment.
- B1. Respond to any comments from USEPA on these plans within 30 days; and
- C1. Fulfill the terms of the revised plans, if such plans are approved by USEPA.
- C1. Owners or operators of all containment buildings must:
- i1. Use controls and practice to ensure containment of the hazardous waste within the unit, and at a minimum:
- A1. Maintain the primary barrier to be free of significant cracks, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;
- B1. Maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;
- C1. Take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling the waste. An area must be designated to decontaminate equipment and any rinseate must be collected and properly managed; and
- D1. Take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see 40 CFR 60, Appendix A, Method 22 - Visual Determination of Fugitive Emissions from Material Sources, and Smoke and Fugitive Dust Prevention Practices, and installed particulate collection devices (e.g., fabric filter, electrostatic precipitator) must be operated and maintained with sound air pollution control practices (see 40 CFR 60, Subpart 292 for guidance). This state of the art dust control must be maintained effectively at all times during normal operations and under adverse conditions, including when vehicles and personnel are entering and exiting the unit.
21. Obtain certification by a qualified registered professional engineer that the containment building design meets the requirements of subsections (a) through (c) of section 725.293. For units placed into operation prior to February 18, 1993, this certification must be placed in the facility's operating record (on-site files for generators who are not formally required to have operating records) no later than February 18, 1993. For units placed into operation after February 18, 1993, this certification will be required prior to operation of the unit.

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3. Throughout the active life of the containment building, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, must repair the condition immediately. In addition however:

A. Upon detection of a condition that has caused to a release of hazardous wastes (e.g., upon detection of leakage from the primary barrier) the owner or operator must:

- i. Enter a record of the discovery in the facility operating record;
- ii. Immediately remove the portion of the containment building affected by the condition from service;
- iii. Determine what steps must be taken to repair the containment building, remove any leakage from the secondary collection system, and establish a repair schedule for accomplishing the cleanup and repairs; and
- iv. Within 7 days after the discovery of the condition, notify the Agency in writing of the condition, and within 14 working days, provide a written report of the condition, the determination of the steps taken to repair the containment building, and the schedule for accomplishing the work.

B. The Agency will review the information submitted, make a determination regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.

C. Upon completing all repairs and cleanup the owner and operator must notify the Agency in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with subsection (c)(3)(b)(iv) above.

4. Inspect and record in the facility's operating record, at least once every seven days, data gathered from monitoring equipment and leak detection equipment as well as the results of periodic inspections conducted by the owner of the containment building to detect signs of releases of hazardous waste.

d. For containment buildings that contain areas both with and without secondary containment, the owner or operator must:

- i. Design and operate each area in accordance with the requirements enumerated in subsections (a) through (c)

above:

2. Take measures to prevent the release of liquids or wet materials into areas without secondary containment; and
3. Maintain in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without secondary containment.

e. Notwithstanding any other provision of this Subpart the Agency shall not require secondary containment for a contained containment building where the owner operator demonstrates that the only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements, and where containment of managed wastes and liquids can be assured without a secondary containment system.

(Source: Added at 17 Ill. Reg. _____, effective _____)

725.1102
Closure and post closure-care

- a. At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. Code 725.1103(c) applies. The owner operator must ensure that closure and post closure care meets the minimum standards for the containment buildings specified in 725 Subparts G and H.

b. If, after removing or decontaminating all residues and making all necessary repairs, the owner operator determines that the contaminated components, subsoils, structures, and equipment as required in subsection (a) above, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure care provisions of 35 Ill. Adm. Code 725.1103(c)(10). In addition, for the purposes of closure, post-closure, and financial responsibility, such a containment building is then considered to be a landfill, and the owner or operator must meet all the requirements for landfills specified in 725 Subparts G and H.

(Source: Added at 17 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Land Disposal Restrictions

2) Code Citation: 35 Ill. Adm. Code 728

3) Section Numbers: Proposed Action:

- 728.102, 728.105, 728.107 Amendment
- 728.114 New Section
- 728.135 Amendment
- 728.136 New Section
- 728.140, 728.141, 728.142 Amendment
- 728.155, 728.146 New Section
- 728.156, 728.146 Amend. B
- 728. Table A, 728. Table B Amendment
- 728. Table D New Section
- 728. Table F, 728. Table G New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 1114, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].

5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's Proposed Opinion below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 1114, par. 1022.4(a) [415 ILCS 5/22.4(a)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCARR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1992.

Specifically, the amendments to Part 728 adds several definitions and extensions for the effective date are incorporated by reference and amended. The record keeping, notification and certification requirements for hazardous debris are revised and exemptions are provided. The federal rules refer to "debris that the Director has determined does not contain hazardous waste" and the Board has amended the definition of hazardous waste to include debris that has certification requirements for wastes which is no longer hazardous is revised. Sections on surface impoundment exceptions, waste specific prohibitions on newly listed wastes, treatment standards for hazardous debris and alternative treatment standards based on HMRR are added. A number of wastes are added to the table of treatment standards expressed as technologies.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference?

No. 35 Ill. Adm. Code 720.111 is a centralized listing of all

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incorporations by reference for Parts 721 through 739. References used in the present rulemaking amend the existing rulemaking sections. The present rulemaking amends the incorporations by reference for documents incorporated for the purposes of Parts 721, 724, 726, and 739. They further update the edition of all references to the Code of Federal Regulations for use in all Parts wherever they appear.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The Statewide Policy objectives are set forth in the Section 22.4(a) that affect this rulemaking. The objectives of the local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket #93-4 and be addressed to:

Mr. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 2, 1993.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The present amendments may affect those businesses engaged in these activities.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the maintenance of records and annual reports. Waste analyses and maintenance of operating records. The present amendments may affect these requirements for affected entities.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The present amendments may affect these requirements for affected entities.

The full text of the proposed amendments begins on the next page.

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section
728.101
728.102
728.103
728.104
728.105
728.106
728.107
728.108
728.109

Purpose, Scope and Applicability
Definitions
Waste Not Prohibited as a Substitute for Treatment
Treatment Surface Impoundment Exemption
Procedures for case-by-case Extensions to an Effective Date
Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
Subpart C
Land Analysis and Recordkeeping
Landfill Surface Water Disposal Restrictions (Repealed)
Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION
AND ESTABLISHMENT OF TREATMENT STANDARDS

Section
728.110
728.111
728.112
728.113
728.114

First Third
Second Third
Third Third
Newly Listed Wastes
Surface Impoundment Exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section
728.130
728.131
728.132
728.133
728.134
728.135
728.136
728.139

Waste Specific Prohibitions -- Solvent Wastes
Waste Specific Prohibitions -- Dioxin-Containing Wastes
Waste Specific Prohibitions -- California List Wastes
Waste Specific Prohibitions -- Federal Hazardous Waste
Waste Specific Prohibitions -- Second Third Wastes
Waste Specific Prohibitions -- Third Third Wastes
Waste Specific Prohibitions -- Newly Listed Wastes
Statutory Prohibitions

SUBPART D: TREATMENT STANDARDS

Section
728.140
728.141
728.142
728.143
728.144
728.145
728.146

Applicability of Treatment Standards
Treatment Standards expressed as Concentrations in Waste Extract
Treatment Standards expressed as Specified Technologies
Treatment Standards expressed as Specified Waste Concentrations
Adjustment of Treatment Standard
Treatment Standards for Hazardous Debris
Alternative Treatment Standards based on HMR

SUBPART E: PROHIBITIONS ON STORAGE

Section
728.150

Prohibitions on Storage of Restricted Wastes

728.Appendix A Toxicity Characteristic Leaching Procedure (TCLP)
728.Appendix B Treatment Standards (As concentrations in the Treatment Residual Extract)

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728-Appendix C	List of Halogenated Organic Compounds
728-Appendix D	Lab Packs
728-Appendix E	Organic Lab Packs
728-Appendix F	Technologies to Achieve Deactivation of Characteristics
728-Appendix G	Federal Efficacy Dates
728-Appendix H	National Capacity LDR Variances for UIC Wastes
728-Table A	Constituent Concentrations in Waste Extract (CCWE)
728-Table B	Constituent Concentrations in Wastes (CCW)
728-Table C	Technology Codes and Description of Technology-Based Standards
728-Table D	Technology-Based Standards by RCRA Waste Code
728-Table E	Standards for Hazardous Waste Treatment
728-Table F	Alternative Treatment Standards for Hazardous Debris
728-Table G	Alternative Treatment Standards Based on HMTR

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1951, ch. 111, pars. 1022.4 and 1027) (415 ILCS 5/22.4 and 5/27).

SOURCE: Adopted in 897-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in 897-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in 899-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in 899-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in 900-2 at 14 Ill. Reg. 7070, effective August 1990; amended in 900-11 at 15 Ill. Reg. 14508, effective September 27, 1990; amended in 890-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in 892-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in 893-4 at 18 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 728.102 Definitions

When used in this Part the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.102 or 721.103.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is a manufactured object or material that is not a waste. Debris is not a waste. The following materials are not debris: Any material for which a specific treatment standard is provided in 728 Subpart D; Process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of solid waste that are not ruptured and whose debris content is less than 75% of the container's capacity. Debris that has not been treated to the standards provided by Section 728.145 and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on

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Visual Inspection.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond which are listed under Section 728-Appendix C.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721-Appendix H.

"Hazardous debris" means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721-Subpart D, or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721-Subpart C.

Inorganic solid debris are nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve, and that require cutting, or crushing and grinding, in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:

Metal slags (either dross or scoria).

Classified slag.

Glass.

Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes).

Masonry and refractory bricks.

Metal cans, containers, drums or tanks.

Metal nuts, bolts, pipes, pumps, valves, appliances or industrial equipment.

Scrap metal as defined in 35 Ill. Adm. Code 721.101(c)(6).

"Land disposal" means placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1987), or similar regulations in other States with RCRA programs authorized by USEPA pursuant to 40 CFR 271 (1989).

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228.139. Treatment standards for all other restricted wastes must either be referenced as above, or by the notification the subcategory of the waste, the treatability group(s) of the waste(s), and the section and subsection where the treatment

standards appear. Where the applicable treatment standards are expressed as specified technologies in SSsection 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.

c) The manifest number associated with the shipment of waste: and

D) Waste analysis data, where available. For hazardous
debris the contaminants subject to treatment as

provided by section 9(1)(5) of the Access to Information Act:

Alternative Treatment Standards of 35 TSS, 3000
728.145: and

- 2) If a generator determines that the generator is managing a restricted waste under this part, and determines that the waste analysis data, where available,

- Waste can be land disposed without further treatment, when each shipment of waste the generator shall submit, to the treatment, storage or land disposal facility, a notice and a certification stating that the waste meets the applicable treatment standards set forth in Subpart D and the

applicable prohibition levels set forth in section 728.132 or 728.139. Generators of hazardous debris that is excluded

FROM THE DIRECTOR OF HAZARDOUS WASTE
Code 721.103(c). 35 Ill. Adm. Code 721.103(e)(2) and 35 Ill.

- are not subject to these notification and certification requirements.
- A) The notice must include the following information:

- ii.) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the

waste(s), and the section and subsection where the treatment standards appear. Where the

- applicable treatment standards. For the specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.

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iii) The manifest number associated with the shipment of waste;

iv) Waste analysis data, where available

B) The certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste and its composition and certify that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728. Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132, 728.139 or Section 3004(d) of the Resource Conservation and Recovery Act (RCRA), believing that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under Section 728.101(c)(3) or a notification capacity variance under 40 CFR 268.30(c)(3) or C 135861), the generator must submit a notice with the waste to the facility receiving the generator's waste, stating that the waste is not prohibited from land disposal. The notice must include the following information:

A) EPA hazardous waste number:
B) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act (RCRA) and Section 728.139. Treatment standards for all other restricted wastes must either be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the waste(s), and the Section and subsection where the treatment standards appear. The notification must also contain the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.

C) The manifest number associated with the shipment of waste;

D) Waste analysis data, where available;—and

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E) For hazardous debris, the contaminant(s) subject to treatment as provided by Section 728.145(b) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. Code 728.145", and

EE) The date the waste is subject to the prohibitions.

4) If a generator is managing a prohibited waste in tanks or containers regulated under 35 Ill. Adm. Code 722.134, and is treating such waste in such tanks or containers to meet treatment standards, the generator shall submit a waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. The plan must be kept on-site in the generator's records, and the following requirements must be met:

A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this Part, including the selected testing frequency.

B) Such plan must be filed with the Agency a minimum of 30 days prior to the treatment activity, with delivery verified.

C) Wastes shipped off-site pursuant to this subsection must comply with the notification requirements of Section 728.107(a)(2).

5) If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall retain all supporting data used to make this determination, and the generator shall be required to file such data with the generator. The generator shall be required to file such data with the generator if the generator determines whether the waste is restricted based on testing the waste or an extract developed using the test method described in Section 728. Appendix A, the generator shall retain all waste analysis data on site in the generator's files.

6) Generators shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject of the notification is accepted for treatment or off-site treatment storage or disposal. The five-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.

7) If a generator is managing a lab pack that contains wastes identified in Section 728. Appendix D and wishes to use the alternative treatment standard under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection

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assure that the treatment residues or extract meet the applicable treatment standards.

are not subject to any treatment requirements and, therefore, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in Section 728.132 to assure that the treatment residues comply with the applicable prohibitions.

residues (not an extract of such residues) to ascertain if the treatment residues meet the applicable treatment standards.

requirements of subsection (d) below rather than these notification requirements:

wastes must either be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the waste(s), and the Section and subsection where the treatment standards appear. Where the applicable treatment standards are expressed as specified technology in Section 3.11, the applicable technology treatment standard must be identified in the notification. Table C-1 and Table C-2 of 40 CFR 261.11(c)(1)(ii) also must be listed on the notification.

Of treatment residue has been excluded from the treatment standards specified in Subpart D and the applicable prohibitions set forth in Section 728.132 or 728.139. Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(d) (i.e., debris treated by an extraction or destruction technology provided

21

3)

4)

A) USEPA Hazardous Waste Number:

B) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or section 300A(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139, Treatment standards as above, or by the standards promulgated above, or by the standards included on the notification under the category of waste, and the treatability group(s) of the waste(s), and the section and subsection where the treatment standards appear. Where the applicable treatment standards are expressed as specified technologies in Section 728.14, the applicable technology must be listed on Table C-1 (e.g., INCIN, WETOX) also must be listed on the notification.

c) The manifest number associated with the shipment of waste; and

D) Waste analysis data, where available.

The treatment facility shall submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the application standards specified in Subpart B and that the waste is not a restricted waste under 40 CFR 261.32 or applicable prohibitions as determined from the definition of hazardous waste under 40 CFR 261.33. The waste shall be certified as a restricted waste under 40 CFR 261.33 (i.e., debris treated by an extraction or destruction technology provided under 40 CFR 261.33(f)(1)).

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by Section 728. Table F, and debris that is delisted), however, is subject to the notification and certification requirements of subsection (d) below rather than the certification requirements of subsection (b)(5).

- A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), or for wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for the operation of the treatment process, I am certain that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in 35 Ill. Adm. Code 728-Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or 728.139 or Section 3004(d) of the Resource Conservation and Recovery Act. Without limitation, I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- C) For wastes with treatment standards expressed as concentrations in the waste pursuant to Section 728.143, if compliance with the treatment standards in Subpart D is based in part or in whole on the analytical detection limit alternative specified in Section 728.143(c), the certification also must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for:

NOTICE OF PROPOSED AMENDMENTS

obtaining this information, I believe that the nonsewastewater organic constituents have been treated by incineration in units operated in accordance with 35 Ill. Adm. Code 724 Subpart 0 or 35 Ill. Adm. Code 724 Subpart 0.1, generating air emissions in accordance with applicable technical requirements, and I have been unable to detect the nonsewastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are no specific testing methods for organic chemical certification, including the possibility of false and misrepresentation.

- 5) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this section.

- Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 111. Adm. Code 726.120(b)(3), regarding treatment standards and recycling, the owner or operator of the facility (i.e., the recycler) is not required to notify the receiving facility pursuant to subsection (b)(4). With each shipment of such wastes the owner or operator of the facility shall submit to the receiving facility written information listed in subsection (b)(4) except the manifest number) to the Agency. The recycling facility also shall submit to the Agency written information concerning the receipt of the hazardous waste-derived product, namely

- e) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:

- 1) Have copies of the notice and certification specified in subsection (a) or (b), and the certification specified in Section 728.108 if applicable.
- 2) Test the waste, or an extract of the waste or treatment residue developed using the test method described in Section 728.139, using the test method specified in Section 728.139 under Section 728.132 to assure that the wastes or treatment residues are in compliance with the applicable treatment residues set forth in Subpart D and all applicable prohibitions set forth in Sections 728.132 or 728.139. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by § 311. Admin. Code 724.113 or 725.113.
- 3) Where the owner or operator is disposing of any waste that

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For each shipment of treated debris, a certification of compliance with the treatment standards must be submitted to the EPA Regional Office and placed in the facility's files. The certification must contain the following: "I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment."

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 728.109 Special Rules for Characteristic Wastes

treatment standards under Subpart D, for purposes of 35 ill. Adm. Code 728, the waste will carry a waste code designation for any applicable listing under 35 ill. Adm. Code 721.Subpart D, and also one or more waste code designations under 35 ill. Adm. Code 721.Subpart C where the waste exhibits the relevant characteristic.

Code 721.Subpart C, the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D will operate in lieu of 721.Subpart D and exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C, the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D will operate in lieu of

721. Subpart C, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.

waste must meet the treatment standards for all applicable listed and characteristic waste codes.

initial point of generation, no prohibited waste which exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land disposed unless the waste complies with the treatment standards under Subpart D.

d). Wastes that exhibit a characteristic are also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, for each shipment of such waste to a non-hazardous waste facility, regulated under 40 CFR 261.11, 261.12, or 261.13, the generator must send a Section 728.107 notification to the treatment facility, need not state the initial generator or the treatment facility, need not state a contact person, and need not include the information in the table below. The notification must be sent to the facility, and not to the State, and must be sent within 10 days of the date of the waste shipment.

~~the Agency, or, for out-of-State shipment, to the appropriate USEPA Regional Administrator or State authorized, pursuant to 40 CFR 271, to implement 40 CFR 268 requirements one time~~

treaters files and sent to the Agency. The notification and certification that is placed in the generators or treaters' files must be updated if the process or operation generating the waste changes or if the subtitle D facility receiving the waste changes.

changes or if the subtitle D facility receiving the waste changes.

However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and the Agency's response must be made to the Agency by the end of the year but no later than December 31.

- 1) The notification must include the following information:
 - A) The name and address of the non-hazardous waste facility receiving the waste shipment;
 - B) A description of the waste as initially generated, including the applicable USEPA Hazardous Waste Number(s) and treatability group(s);
 - C) The treatment standards applicable to the waste at the initial point of generation.
- 2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(d)(5)(A).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION
AND ESTABLISHMENT OF TREATMENT STANDARDS

Section 728.114 Surface Impoundment exemptions.

a) This Section defines additional circumstances under which an otherwise prohibited waste may continue to be placed in a surface impoundment.

b) Wastes which are newly identified or listed by USEPA pursuant to Section 3001 of RCRA (42 U.S.C. § 6921) after November 8, 1984, and stored in a surface impoundment that is newly subject to subtitle C of RCRA (42 U.S.C. § 6921 et seq.) as a result of the additional identification or listing may continue to be stored in the surface impoundment until the date of the next scheduled additional listing or characteristic not withstanding that the waste is otherwise prohibited from land disposal, provided that the surface impoundment is in compliance with the requirements of 35 Ill. Adm. Code 725.Subpart F within 12 months after promulgation of the new listing or characteristic.

c) Wastes which are newly identified or listed under Section 3001 (42 U.S.C. § 6921) after November 8, 1984, and treated in a surface impoundment that is newly subject to subtitle C of RCRA (42 U.S.C. § 6921 et seq.) as a result of the additional identification or listing may continue to be stored in the surface impoundment, not withstanding that the waste is otherwise prohibited from land disposal, provided that surface impoundment is in compliance with the requirements of 35 Ill. Adm. Code 725.Subpart F within 12 months after the promulgation of the new listing or characteristic. In addition, if the surface impoundment continues to store the waste after the date of the next scheduled additional listing or characteristic, it must then be in compliance with Section 728.104.

(Source: Added at 17 Ill. Reg. _____, effective _____)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.135 Waste Specific Prohibitions--Third Third wastes.

a) The following wastes are prohibited from land disposal.

1) The wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers:

F002 (1,1,2-trichloroethane)
F005 (benzene)
F005 (2-ethoxyethanol)
F006 (nitropropane)
F006 (wastewaters),
F019
F025
F039 (wastewaters);

2) The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

K002
K003
K004 (wastewaters)
K005 (wastewaters)
K006 (wastewaters)
K011 (wastewaters)
K013 (wastewaters)
K014 (wastewaters)
K015 (nonwastewaters)
K017
K021 (wastewaters)
K022 (wastewaters)
K025 (wastewaters)
K026 (wastewaters)
K029
K031 (wastewaters)
K032
K033
K034
K035
K041

(wastewaters, reactive nonwastewaters)

K046 (wastewaters)
K049 (wastewaters)
K050 (wastewaters)
K051 (wastewaters)
K052 (wastewaters)
K060 (wastewaters)
K061 (wastewaters) and (high zinc subcategory > 15% zinc)

K069 (wastewaters, calcium sulfate nonwastewaters)
K083

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K084 (wastewaters)
K085 (wastewaters)
K095 (wastewaters)
K096 (wastewaters)
K097 (wastewaters)
K098
K100 (wastewaters)
K101 (wastewaters)
K102 (wastewaters)
K103 (wastewaters)
K106 (wastewaters)

3) The wastes specified in 35 Ill. Adm. Code 721.133(e) as EPA
Hazardous Waste Numbers:

P001
P002
P003
P004
P005
P006
P007
P008
P009
P010 (wastewaters)
P011 (wastewaters)
P012 (wastewaters)
P013
P014
P015
P016
P017
P018
P019
P020
P022
P023
P024
P026
P027
P028
P031
P033
P034
P036
P037
P038
P042
P045
P046
P047
P048
P049
P050
P051
P054
P056
P057
P058
P059

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P060
P064
P065 (wastewaters)
P066
P067
P068
P069
P070
P072
P073
P074
P075
P076
P077
P078
P081
P082
P083
P084
P088 (wastewaters)
P092
P093
P095
P096
P097
P101
P102
P103
P105
P108
P110
P112
P113
P114
P115
P116
P118
P119
P120
P122
P123

4) The wastes specified in 35 Ill. Adm. Code 721.133(f) as EPA
Hazardous Waste Numbers:

U001
U002
U003
U004
U005
U006
U007
U008
U009
U010
U011
U012
U014
U015
U016

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U017
U018
U019
U020
U021
U022
U023
U024
U025
U026
U027
U029
U030
U031
U032
U033
U034
U035
U036
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U039
U041
U042
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U055
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U066
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U068
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U071
U072
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U080

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U081
U082
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U084
U085
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U087
U088
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U091
U092
U093
U094
U095
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U130
U131
U132
U133
U134
U135
U136
U137
U138
U140
U141
U142
U143
U144
U145

(wastewaters)

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U146
U147
U148
U149
U150
U151 (wastewaters)
U152
U153
U154
U155
U156
U157
U158
U159
U160
U161
U162
U163
U164
U165
U166
U167
U168
U169
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U198
U199
U200
U201
U202
U203
U204
U205
U206
U207
U208

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U209
U210
U211
U212
U213
U214
U215
U216
U217
U218
U219
U220
U221
U222
U223
U224
U225
U226
U227
U228
U229
U230
U231
U232
U233
U234
U235
U236
U237
U238
U239
U240
U241
U242
U243
U244
U245
U246
U247
U248
U249

- 4) The following wastes identified as hazardous based on a characteristic alone:

D001
D002
D003
D004 (wastewaters)
D005
D006
D007
D008 (except for lead materials stored before secondary smelting)
D009 (wastewaters)
D010
D011
D012
D013
D014
D015
D016
D017

K048 (nonwastewaters)
K049 (nonwastewaters)
K050 (nonwastewaters)

- b) The following wastes are prohibited from land disposal. The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

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K051 (nonwastewaters)
K052 (nonwastewaters)

- c) Effective May 8, 1992, the following wastes are prohibited from land disposal:

1) The wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers:

P039 (nonwastewaters)

2) The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

K031 (nonwastewaters)
K084 (nonwastewaters)
K101 (nonwastewaters)
K102 (nonwastewaters)
K106 (nonwastewaters)

3) The wastes specified in 35 Ill. Adm. Code 721.133(e) as EPA Hazardous Waste Numbers:

P010 (nonwastewaters)
P011 (nonwastewaters)
P012 (nonwastewaters)
P036 (nonwastewaters)
P038 (nonwastewaters)
P065 (nonwastewaters)
P087 (nonwastewaters)
P092 (nonwastewaters)

4) The wastes specified in 35 Ill. Adm. Code 721.133(f) as EPA Hazardous Waste Numbers:

U136 (nonwastewaters)
U151 (nonwastewaters)

5) The following wastes identified as hazardous based on a characteristic alone:

D004 (nonwastewaters)
D009 (nonwastewaters);

6) ~~Inorganic solid debris as defined in 35 Ill. Adm. Code 728.102 (which also applies to chromium-refractory bricks carrying the EPA Hazardous Waste Number K051) and~~

7) RCRA hazardous wastes that contain naturally occurring radioactive materials.

d) Effective May 8, 1992, hazardous wastes listed in Sections 728.110, 728.111 or 728.112 that are mixed radioactive/hazardous wastes, and soil or debris contaminated with hazardous wastes listed in Sections 728.110, 728.111 or 728.112 that are mixed radioactive/hazardous wastes, shall be prohibited from land disposal, except as provided in subsection (e) below.

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e) Subject to the applicable prohibitions of Sections 728.130, 728.131, and 728.132, contaminated soil and debris are prohibited from land disposal as follows:

- 1) Effective May 8, 1993, debris that is contaminated with wastes listed in Sections 728.110, 728.111 or 728.112 that are mixed radioactive/hazardous wastes, and soil or debris contaminated with any characteristic waste for which treatment standards are established in Subpart D of this Part (including such wastes that are mixed radioactive hazardous wastes), are prohibited from land disposal.
- 2) Effective May 8, 1993, hazardous soil having treatment standards in 728 Subpart D based on incineration, mercury retorting or vitrification, and soils contaminated with hazardous wastes listed in Sections 728.110, 728.111 and 728.112 that are mixed radioactive hazardous wastes, are prohibited from land disposal.
- h) Between May 8, 1990, and May 8, 1992, wastes included in subsections (c), (d) and (e), above, shall be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in Section 728.105(h)(2).
- i) The requirements of subsections (a), (b), (c), (d) and (e), above, do not apply if:
 - 1) The wastes meet the applicable standards specified in Subpart D of this Part;
 - 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable alternate standards established pursuant to a petition granted under Section 728.144;
 - 4) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.
- j) To determine whether a hazardous waste listed in Section 728.110, 728.111 or 728.112 exceeds the applicable treatment standards specified in Sections 728.141 and 728.143, the initial generator shall either test a representative sample of the waste extract or the entire waste, depending on whether the treatment standards are based on the waste extract or the entire waste, or the generator uses knowledge of the waste if the waste contains constituents in excess of the applicable Subpart D of this Part levels, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.
- k) Effective May 8, 1993, D008 lead materials stored before secondary smelting are prohibited from land disposal. On or before March 1, 1993, the owner or operator of each secondary lead smelting facility shall submit to the Agency the following: A binding

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contractual commitment to construct or otherwise provide capacity for storing such D008 wastes prior to smelting which complies with all applicable storage standards; documentation that the capacity to be provided will be sufficient to manage the entire quantity of such D008 wastes; and, a detailed schedule for providing such capacity. The owner of each facility prohibited from land disposal of such D008 managed by that facility prohibited from land disposal effective March 1, 1993. In addition, no later than July 27, 1992, the owner or operator of each facility shall place in the facility record documentation of the manner and location in which such wastes will be managed pending completion of such capacity, demonstrating that such management capacity will comply with all applicable requirements of 35 Illinois Code 720 through 728.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 728.136 Waste specific prohibitions-newly listed wastes.

- a) Effective November 9, 1992, the wastes specified in 35 ILL. Adm. Code 721.132 as EPA Hazardous Waste Numbers F007, F008, F009, F010, F011, F012, F013, F014, F015, F016, F017, F018, F019, F020, F021, F022, F023, F024, F025, F026, F027, F028, F029, F030, F031, F032, F033, F034, F035, F036, F037, F038, F039, F040, F041, F042, F043, F044, F045, F046, F047, F048, F049, F050, F051, F052, F053, F054, F055, F056, F057, F058, F059, F060, F061, F062, F063, F064, F065, F066, F067, F068, F069, F070, F071, F072, F073, F074, F075, F076, F077, F078, F079, F080, F081, F082, F083, F084, F085, F086, F087, F088, F089, F090, F091, F092, F093, F094, F095, F096, F097, F098, F099, F100, F101, F102, F103, F104, F105, F106, F107, F108, F109, F110, F111, F112, F113, F114, F115, F116, F117, F118, F119, F120, F121, F122, F123, F124, F125, F126, F127, F128, F129, F130, F131, F132, F133, F134, F135, F136, F137, F138, F139, F140, F141, F142, F143, F144, F145, F146, F147, F148, F149, F150, F151, F152, F153, F154, F155, F156, F157, F158, F159, F160, F161, F162, F163, F164, F165, F166, F167, F168, F169, F170, F171, F172, F173, F174, F175, F176, F177, F178, F179, F180, F181, F182, F183, F184, F185, F186, F187, F188, F189, F190, F191, F192, F193, F194, F195, F196, F197, F198, F199, F200, F201, F202, F203, F204, F205, F206, F207, F208, F209, F210, F211, F212, F213, F214, F215, F216, F217, F218, F219, F220, F221, F222, F223, F224, F225, F226, F227, F228, F229, F230, F231, F232, F233, F234, F235, F236, F237, F238, F239, F240, F241, F242, F243, F244, F245, F246, F247, F248, F249, F250, F251, F252, F253, F254, F255, F256, F257, F258, F259, F260, F261, F262, F263, F264, F265, F266, F267, F268, F269, F270, F271, F272, F273, F274, F275, F276, F277, F278, F279, F280, F281, F282, F283, F284, F285, F286, F287, F288, F289, F290, F291, F292, F293, F294, F295, F296, F297, F298, F299, F300, F301, F302, F303, F304, F305, F306, F307, F308, F309, F310, F311, F312, F313, F314, F315, F316, F317, F318, F319, F320, F321, F322, F323, F324, F325, F326, F327, F328, F329, F330, F331, F332, F333, F334, F335, F336, F337, F338, F339, F340, F341, F342, F343, F344, F345, F346, F347, F348, F349, F350, F351, F352, F353, F354, F355, F356, F357, F358, F359, F360, F361, F362, F363, F364, F365, F366, F367, F368, F369, F370, F371, F372, F373, F374, F375, F376, F377, F378, F379, F380, F381, F382, F383, F384, F385, F386, F387, F388, F389, F390, F391, F392, F393, F394, F395, F396, F397, F398, F399, F400, F401, F402, F403, F404, F405, F406, F407, F408, F409, F410, F411, F412, F413, F414, F415, F416, F417, F418, F419, F420, F421, F422, F423, F424, F425, F426, F427, F428, F429, F430, F431, F432, F433, F434, F435, F436, F437, F438, F439, F440, F441, F442, F443, F444, F445, F446, F447, F448, F449, F450, F451, F452, F453, F454, F455, F456, F457, F458, F459, F460, F461, F462, F463, F464, F465, F466, F467, F468, F469, F470, F471, F472, F473, F474, F475, F476, F477, F478, F479, F480, F481, F482, F483, F484, F485, F486, F487, F488, F489, F490, F491, F492, F493, F494, F495, F496, F497, F498, F499, F500, F501, F502, F503, F504, F505, F506, F507, F508, F509, F510, F511, F512, F513, F514, F515, F516, F517, F518, F519, F520, F521, F522, F523, F524, F525, F526, F527, F528, F529, F530, F531, F532, F533, F534, F535, F536, F537, F538, F539, F540, F541, F542, F543, F544, F545, F546, F547, F548, F549, F550, F551, F552, F553, F554, F555, F556, F557, F558, F559, F560, F561, F562, F563, F564, F565, F566, F567, F568, F569, F570, F571, F572, F573, F574, F575, F576, F577, F578, F579, F580, F581, F582, F583, F584, F585, F586, F587, F588, F589, F590, F591, F592, F593, F594, F595, F596, F597, F598, F599, F600, F601, F602, F603, F604, F605, F606, F607, F608, F609, F610, F611, F612, F613, F614, F615, F616, F617, F618, F619, F620, F621, F622, F623, F624, F625, F626, F627, F628, F629, F630, F631, F632, F633, F634, F635, F636, F637, F638, F639, F640, F641, F642, F643, F644, F645, F646, F647, F648, F649, F650, F651, F652, F653, F654, F655, F656, F657, F658, F659, F660, F661, F662, F663, F664, F665, F666, F667, F668, F669, F670, F671, F672, F673, F674, F675, F676, F677, F678, F679, F680, F681, F682, F683, F684, F685, F686, F687, F688, F689, F690, F691, F692, F693, F694, F695, F696, F697, F698, F699, F700, F701, F702, F703, F704, F705, F706, F707, F708, F709, F710, F711, F712, F713, F714, F715, F716, F717, F718, F719, F720, F721, F722, F723, F724, F725, F726, F727, F728, F729, F730, F731, F732, F733, F734, F735, F736, F737, F738, F739, F740, F741, F742, F743, F744, F745, F746, F747, F748, F749, F750, F751, F752, F753, F754, F755, F756, F757, F758, F759, F760, F761, F762, F763, F764, F765, F766, F767, F768, F769, F770, F771, F772, F773, F774, F775, F776, F777, F778, F779, F780, F781, F782, F783, F784, F785, F786, F787, F788, F789, F790, F791, F792, F793, F794, F795, F796, F797, F798, F799, F800, F801, F802, F803, F804, F805, F806, F807, F808, F809, F810, F811, F812, F813, F814, F815, F816, F817

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Ill. Adm. Code 721, Appendix A or the test method in 35 Ill. Adm. Code 722.142 Subpart B for that waste. Table B for any hazardous constituent listed in Table A for that waste.

- b) A restricted waste for which a treatment technology is specified under Section 728.142(a) of hazardous debris for which a treatment technology is specified under Section 728.142(b) of hazardous debris may be and disposed of by the treatment technology or equivalent treatment method approved by the Agency under the procedures set forth in Section 728.142(b).

- c) Except as otherwise specified in Section 728.143(c), a restricted waste identified in Section 728.142(a) or (b) may be landfilled or disposed of in a treatment unit in the waste treatment unit if the waste does not exceed the value shown in Table B for any hazardous constituent listed in Table B for that waste.

- d) If a treatment standard has been established in Sections 728.143 through 728.145, a hazardous waste that is listed, subject to the treatment standard, shall meet the standard for hazardous debris under Section 728.145.

(Source: Amended at 17 Ill. Reg. _____, effective _____)
Section 728.141 Treatment Standards expressed as Concentrations in Waste Extract

- a) Table A identifies the restricted wastes and the concentrations of their associated constituents which may not be exceeded by the extract of a waste or waste treatment residual developed using the test method in 35 Ill. Adm. Code 722.142 Subpart B for the disposal of such wastes, with the exception of wastes 0004, 0009, 0011, 0012, 0013, 0014, 0015, 0016, 0017, 0018, 0019, 0020, 0021, 0022, 0023, 0024, 0025, 0026, 0027, 0028, 0029, 0030, 0031, 0032, 0033, 0034, 0035, 0036, 0037, 0038, 0039, 0040, 0041, 0042, 0043, 0044, 0045, 0046, 0047, 0048, 0049, 0050, 0051, 0052, 0053, 0054, 0055, 0056, 0057, 0058, 0059, 0060, 0061, 0062, 0063, 0064, 0065, 0066, 0067, 0068, 0069, 0070, 0071, 0072, 0073, 0074, 0075, 0076, 0077, 0078, 0079, 0080, 0081, 0082, 0083, 0084, 0085, 0086, 0087, 0088, 0089, 0090, 0091, 0092, 0093, 0094, 0095, 0096, 0097, 0098, 0099, 0100, 0101, 0102, 0103, 0104, 0105, 0106, 0107, 0108, 0109, 0110, 0111, 0112, 0113, 0114, 0115, 0116, 0117, 0118, 0119, 0120, 0121, 0122, 0123, 0124, 0125, 0126, 0127, 0128, 0129, 0130, 0131, 0132, 0133, 0134, 0135, 0136, 0137, 0138, 0139, 0140, 0141, 0142, 0143, 0144, 0145, 0146, 0147, 0148, 0149, 0150, 0151, 0152, 0153, 0154, 0155, 0156, 0157, 0158, 0159, 0160, 0161, 0162, 0163, 0164, 0165, 0166, 0167, 0168, 0169, 0170, 0171, 0172, 0173, 0174, 0175, 0176, 0177, 0178, 0179, 0180, 0181, 0182, 0183, 0184, 0185, 0186, 0187, 0188, 0189, 0190, 0191, 0192, 0193, 0194, 0195, 0196, 0197, 0198, 0199, 0200, 0201, 0202, 0203, 0204, 0205, 0206, 0207, 0208, 0209, 0210, 0211, 0212, 0213, 0214, 0215, 0216, 0217, 0218, 0219, 0220, 0221, 0222, 0223, 0224, 0225, 0226, 0227, 0228, 0229, 0230, 0231, 0232, 0233, 0234, 0235, 0236, 0237, 0238, 0239, 0240, 0241, 0242, 0243, 0244, 0245, 0246, 0247, 0248, 0249, 0250, 0251, 0252, 0253, 0254, 0255, 0256, 0257, 0258, 0259, 0260, 0261, 0262, 0263, 0264, 0265, 0266, 0267, 0268, 0269, 0270, 0271, 0272, 0273, 0274, 0275, 0276, 0277, 0278, 0279, 0280, 0281, 0282, 0283, 0284, 0285, 0286, 0287, 0288, 0289, 0290, 0291, 0292, 0293, 0294, 0295, 0296, 0297, 0298, 0299, 0300, 0301, 0302, 0303, 0304, 0305, 0306, 0307, 0308, 0309, 0310, 0311, 0312, 0313, 0314, 0315, 0316, 0317, 0318, 0319, 0320, 0321, 0322, 0323, 0324, 0325, 0326, 0327, 0328, 0329, 0330, 0331, 0332, 0333, 0334, 0335, 0336, 0337, 0338, 0339, 0340, 0341, 0342, 0343, 0344, 0345, 0346, 0347, 0348, 0349, 0350, 0351, 0352, 0353, 0354, 0355, 0356, 0357, 0358, 0359, 0360, 0361, 0362, 0363, 0364, 0365, 0366, 0367, 0368, 0369, 0370, 0371, 0372, 0373, 0374, 0375, 0376, 0377, 0378, 0379, 0380, 0381, 0382, 0383, 0384, 0385, 0386, 0387, 0388, 0389, 0390, 0391, 0392, 0393, 0394, 0395, 0396, 0397, 0398, 0399, 0400, 0401, 0402, 0403, 0404, 0405, 0406, 0407, 0408, 0409, 0410, 0411, 0412, 0413, 0414, 0415, 0416, 0417, 0418, 0419, 0420, 0421, 0422, 0423, 0424, 0425, 0426, 0427, 0428, 0429, 0430, 0431, 0432, 0433, 0434, 0435, 0436, 0437, 0438, 0439, 0440, 0441, 0442, 0443, 0444, 0445, 0446, 0447, 0448, 0449, 0450, 0451, 0452, 0453, 0454, 0455, 0456, 0457, 0458, 0459, 0460, 0461, 0462, 0463, 0464, 0465, 0466, 0467, 0468, 0469, 0470, 0471, 0472, 0473, 0474, 0475, 0476, 0477, 0478, 0479, 0480, 0481, 0482, 0483, 0484, 0485, 0486, 0487, 0488, 0489, 0490, 0491, 0492, 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1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 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- 1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 728.416 and 728.417;
BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional restrictions on the use of lab packs.
- 2) All hazardous wastes contained in such lab packs are specified in Section 728.416, Appendix D or Section 728.417, Appendix E;
- 3) The lab packs are incinerated in accordance with the requirements of 35 Ill. Adm. Code 724. Subpart O or 35 Ill. Adm. Code 725. Subpart O; and
- 4) D005, D006, D007, D008, D010 and D011 are treated in compliance with the applicable treatment standards specified for such wastes in Subpart B.
- d) Radioactive hazardous mixed wastes with treatment standards specified in Table E are not subject to any treatment standards specified in Section 728.141, Section 728.143 or Table D. Radioactive hazardous mixed wastes not subject to treatment standards in Table E remain subject to all applicable treatment standards specified in Section 728.141, Section 728.143 and Table E. The treatment standards specified in Section 728.143 and Table E to the treatment standards specified in Section 728.141 but are subject to the treatment standards specified in Section 728.145.

(Source: Amended at 17 Ill. Reg. _____, effective _____.)

Section 728.145 Treatment standards for hazardous debris.

- a) Treatment standards. Hazardous debris must be treated prior to land disposal as follows unless EPA determines under 35 Ill. Adm. Code 721.103(d)(2) that the debris is no longer contaminated with hazardous materials and is not subject to the treatment standard provided in this Subpart for the waste contaminating the debris:
 - 1) General. Hazardous debris must be treated for each contaminant subject to treatment defined by subsection (b) and not excluded by any of the technologies identified in Section 728.146, Table F.
 - 2) Characteristic debris. Hazardous debris that exhibits the characteristic of ignitability, corrosivity, or reactivity identified under 35 Ill. Adm. Code 721.141, 721.142, and 721.143, must be treated by the technology specified in Table F using one of the technologies identified in Section 728.146, Table F.
 - 3) Mixtures of debris types. The treatment standards of debris identified in Table F must be applied to debris that is contained in a mixture of debris types. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.

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- 4) Mixtures of contaminant types. Debris that is contaminated with more than one type of contaminant must be treated as identified under subsection (b) of this Section must be treated for each contaminant using one or more treatment technologies identified in Section 728.146, Table F. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
- 5) Waste PCBs. Hazardous debris that is also a waste PCB under 40 CFR 761 is subject to the requirements of either 40 CFR 761 or the requirements of this Section, whichever are more stringent.
- b) Contaminants subject to treatment. Hazardous debris must be treated for each "contaminant subject to treatment." The contaminants subject to treatment must be determined as follows:
 - 1) Toxicity characteristic debris. The contaminants subject to treatment for debris that exhibits toxicity characteristic are PCBs, PCP, and PCN by 35 Ill. Adm. Code 721.124 are those PCP constituents for which the debris exhibits the TC toxicity characteristic.
 - 2) Debris contaminated with listed waste. The contaminants subject to treatment for debris that exhibits toxicity characteristic are the listed hazardous wastes that are the constituents for which BQAT standards are established for the waste under Sections 728.141 and 728.143.
 - 3) Cyanide reactive debris. Hazardous debris that is reactive because of cyanide must be treated for cyanide.
- c) Conditioned exclusion of treated debris. Hazardous debris that has been treated using one of the specified extraction or destruction technologies in Section 728.146, Table F and that does not exhibit a characteristic of hazardous waste identified under 35 Ill. Adm. Code 721.141, 721.142, and 721.143, may be managed as non-hazardous waste and need not be managed in a subtitle C facility. Hazardous debris contaminated with a listed waste that is treated by an immobilization technology specified in Table F is a hazardous waste and must be managed in a subtitle C facility.
- d) Treatment residuals
 - 1) General requirements. Except as provided by subsections (d)(2) and (d)(4) below:
 - A) Residue from the treatment of hazardous debris must be managed in a subtitle C facility. The treatment of debris must be accomplished by mechanical means and physical or chemical means, and
 - B) Residue from the treatment of hazardous debris is subject to the waste-specific treatment standard identified in Table F for the waste contaminating the debris.
 - 2) Nontoxic debris. Residue from the deactivation of ignitable, corrosive, or reactive characteristic hazardous

debris (other than cyanide-residue) that is not accumulated with a substance subject to treatment defined by subsection (b) above, must be deactivated prior to land disposal and is not subject to the waste-specific treatment standards of Subpart D of this Part.

3) Cyanide-reactive debris. Residue from the treatment of debris that is reactive because of cyanide must meet the standards for D003 under Section 728.143.

4) Untable nonwastewater residue. Untable nonwastewater residue containing equal to or greater than 10% total cyanide must be treated to meet the standards for D003. Untable liquid based on 35 Ill. Adm. Code 728.142(a)(1) under Section 728.142.

5) Residue from spalling. Layers of debris removed by spalling are hazardous debris that remain subject to the treatment standards of this Section.

(Source: Added at 17 Ill. Reg. _____, effective _____.)

Section 728.146 Alternative Treatment Standards Based on HTR

Section 728.146 Table G identifies alternative treatment standards for P006 and K062 nonwastewaters.

(Source: Added at 17 Ill. Reg. _____, effective _____.)

SUBPART E: PROHIBITIONS ON STORAGE

Section 728.150 Prohibitions on Storage of Restricted Wastes

a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C is prohibited, unless the following conditions are met:

1) A generator stores such wastes in tanks-or, containers or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal of such wastes in accordance with the requirements in 35 Ill. Adm. Code 722.134 and 35 Ill. Adm. Code 724 and 725. (A generator who is in existence on the effective date of a regulation under this Part and who must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility under Subpart C of this Part.)

2) Such a facility may qualify for interim status upon compliance with the Regulations governing interim status under 35 Ill. Adm. Code 703.153.)

3) An owner or operator of a hazardous waste treatment, storage and disposal unit must ensure that the unit is designed to prevent the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or

disposal and;

A) Each container is clearly marked to identify its contents and the date each period of accumulation begins;

B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information is recorded and maintained in the operating record at the facility. Regardless of the type of storage, the owner or operator shall comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.

3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less

b) An owner or operator of a treatment, storage or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

c) An owner or operator of a treatment, storage or disposal facility may store wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under 40 CFR 268.5, incorporated by reference in Section 728.105, an approved Section 728.106 exemption under 40 CFR 268.10, or a Section 728.107 exemption under the prohibition in subsection (a) does not apply during the period of such exemption.

e) The prohibition in subsection (a) does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.132 and 728.133, or the storage standards specified under Sections 728.144, or, where treatment standards have not been specified, is in compliance with the applicable prohibitions specified in Section 728.132 or 728.139.

f) Liquid hazardous wastes containing PCBs at concentrations greater than 50 ppm are exempt from the prohibition in subsection (a) if the requirements of 40 CFR 761.65(b) incorporated by reference in 35 Ill. Adm. Code 720.111, and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) do not apply to such PCB wastes prohibited under Section 728.132.

(Source: Amended at 17 Ill. Reg. _____, effective _____.)

F024	Table B	Chromium (Total)	7440-47-32	0.073	<1. ppb	<1. ppb	0.23 #
		Lead	7439-92-1	0.021	NA	NA	5.2
		Nickel	7440-02-0	0.088	NA	NA	0.32
F037	Table B	Chromium (Total)	7440-47-32	1.7	NA	NA	0.073
		Nickel	7440-02-0	0.20	NA	NA	0.068
F038	Table B	Chromium (Total)	7440-47-32	1.7	NA	NA	5.6 #
		Nickel	7440-02-0	0.20	NA	NA	0.18
F039	Table B	Antimony	7440-36-0	0.23	NA	NA	1.7
		Arsenic	7440-38-2	5.0	NA	NA	0.20
		Cadmium	7440-43-9	NA	NA	NA	1.7
		Chromium (Total)	7440-47-32	5.2	NA	NA	0.20
		Lead	7439-92-1	NA	NA	NA	1.7
		Mercury	7439-97-6	0.51	NA	NA	0.20
		Nickel	7440-02-0	0.025	NA	NA	1.7
		Selenium	7440-02-0	0.32	NA	NA	0.20
		Silver	7440-22-4	0.072	NA	NA	1.7
K001	Table B	Lead	7439-92-1	0.51	NA	NA	0.20
K002	Table B	Chromium (Total)	7440-47-32	0.094	NA	NA	0.14
		Lead	7439-92-1	0.37	NA	NA	6.4
K003	Table B	Chromium (Total)	7440-47-32	0.094	NA	NA	6.4
		Lead	7439-92-1	0.37	NA	NA	0.32
K004	Table B	Chromium (Total)	7440-47-32	0.094	NA	NA	2.1
		Lead	7439-92-1	0.37	NA	NA	0.095
K005	Table B	Chromium (Total)	7440-47-32	0.094	NA	NA	7.6
		Lead	7439-92-1	0.37	NA	NA	0.04
K006	(anhydrous) Table B	Chromium (Total)	7440-47-32	0.094	NA	NA	0.33
		Lead	7439-92-1	0.37	NA	NA	0.33
K006	(hydrated) Table B	Chromium (Total)	7440-47-32	5.2	NA	NA	0.009
		Lead	7439-92-1	0.37	NA	NA	5.2
K007	Table B	Chromium (Total)	7440-47-32	0.094	NA	NA	0.16
		Lead	7439-92-1	0.37	NA	NA	0.078
K008	Table B	Chromium (Total)	7440-47-32	0.094	NA	NA	5.3
		Lead	7439-92-1	0.37	NA	NA	0.094
K015	Table B	Chromium (Total)	7440-47-32	1.7	NA	NA	0.37
		Lead	7439-92-1	0.2	NA	NA	0.14

K061 ~~flow line subcategory—less than 150~~ ~~total—less than 150~~

K061	Table B	Antimony	7440-36-0	0.094	NA	NA	0.14
		Arsenic	7440-38-2	5.0	NA	NA	6.4
		Barium	7440-39-3	NA	NA	NA	0.32
		Beryllium	7440-41-7	NA	NA	NA	2.1
		Cadmium	7440-43-9	NA	NA	NA	0.095
		Chromium (Total)	7440-47-32	5.2	NA	NA	7.6
		Lead	7439-92-1	0.37	NA	NA	0.04
		Mercury	7439-97-6	0.51	NA	NA	0.20
		Nickel	7440-02-0	0.025	NA	NA	1.7
		Selenium	7440-02-0	0.32	NA	NA	0.20
		Silver	7440-22-4	0.072	NA	NA	1.7
		Zinc	7440-66-6	0.078	NA	NA	0.20
K062	Table B	Chromium (Total)	7440-47-32	5.2	NA	NA	0.094
		Lead	7439-92-1	0.37	NA	NA	0.37
K069	Calcium Sulfate Subcategory Tables B & D	Cadmium	7440-43-9	0.37	NA	NA	0.14
		Lead	7439-92-1	0.37	NA	NA	0.24
K071	(Low Mercury Subcategory—less than 16 mg/kg Mercury) Table B	Mercury	7439-97-6	1.7	NA	NA	0.025

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K083	Table B Nickel	7440-02-2	NA	0.088	
K084	Table B Arsenic	7440-38-2	NA	5.6 #	
K086	Table B Chromium (Total)	7440-47-32	NA	0.094	
	Lead	7439-92-1	NA	0.37	
K087	Table B Lead	7439-92-1	NA	0.51	
K100	Table B Cadmium	7440-43-9	NA	0.066	
	Chromium (Total)	7440-47-32	NA	5.2	
	Lead	7439-92-1	NA	0.51	
K101	Table B Arsenic	7440-38-2	NA	5.6 #	
K102	Table B Arsenic	7440-38-2	NA	5.6 #	
K106	(Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC)	7439-97-6	NA	0.20	
	Tables Mercury				
	B & D				
K106	(Low Mercury Subcategory--less than 260 mg/kg Mercury--that are not residues from RMERC)	7439-97-6	NA	A	0.20
	Tables Mercury				
	B & D				
K115	Table B Nickel	7440-02-2	NA	0.32	

#--These treatment standards have been based on EP Leachate analysis but this does not preclude the use of TCLP analysis.

*--These waste codes are not subcategorized into wastewaters and nonwastewaters.

NA--Not Applicable.

P and U Listed Wastes

Waste See Commercial Chemical Name	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/L) Nonwastewaters	Concentration (mg/L) Wastewaters
P010	Table B Arsenic acid	7440-38-2	NA	5.6
P011	Table B Arsenic pentoxide	7440-38-2	NA	5.6
P012	Table B Arsenic tri-oxide	7440-38-2	NA	5.6
P013	Table B Barium cyanide	7440-39-3	NA	52.
P036	Table B Dichloro-phenylarsine	7440-38-2	NA	5.6

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P038	Table B Diethyl-arsine	7440-38-2	NA	5.6	
P065	(Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC)	7439-97-6	NA	0.20	
	Tables Mercury				
	B & D				
P065	(Low Mercury Subcategory--less than 260 mg/kg Mercury--incinerator residues (and are not residues from RMERC))	7439-97-6	NA	0.025	
	Tables Mercury				
	B & D				
P073	Table B Nickel carbonyl	7440-02-2	NA	0.32	
P074	Table B Nickel cyanide	7440-02-2	NA	0.32	
P092	(Low Mercury Subcategory -- less than 260 mg/kg Mercury residues from RMERC)	7439-97-6	NA	0.20	
	Tables Phenyl mer- cury acetate				
	B & D				
P092	(Low Mercury Subcategory--less than 260 mg/kg Mercury--incinerator residues (and are not residues from RMERC))	7439-97-6	NA	0.025	
	Tables Phenyl mer- cury acetate				
	B & D				
P099	Table B Potassium silicide cyanide	7440-22-4	NA	0.072	
P103	Table B Selenourea	7782-49-2	NA	5.7	
P104	Table B Silver cyanide	7440-22-4	NA	0.072	
P110	Table B Tetraethyl lead	7439-92-1	NA	0.51	
P114	Table B Thallium selenite	7782-49-2	NA	5.7	
U032	Table B Calcium chromate	7440-47-32	NA	0.094	
U051	Table B Creosote	7439-92-1	NA	0.51	
U136	Table B Cadodylic acid	7440-38-2	NA	5.6	
U144	Table B Lead acetate	7439-92-1	NA	0.51	
U145	Table B Lead phosphate	7439-92-1	NA	0.51	

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U146	Table B Lead sub-acetate	Lead	7439-92-1	NA	0.51
U151	(Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC)	Tables B & D Mercury	7439-97-6	NA	0.20
U151	(Low Mercury Subcategory--less than 260 mg/kg Mercury--that are not residues from RMERC)	Tables B & D Mercury	7439-97-6	NA	0.025
U204	Table B Selenium dioxide	Selenium	7782-49-2	NA	5.7
U205	Table B Selenium sulfide	Selenium	7782-49-2	NA	5.7

*--These treatment standards have been based on EF Leachate analysis but this does not preclude the use of TCLP analysis.
 **--These waste codes are not subcategorized into wastewaters and nonwastewaters.

(Source: Amended at 17 Ill. Reg. _____, effective _____)
 Section 728.Table B Constituent Concentrations in Waste (CCW)

D, F and K Listed Wastes		CAS No. for Regulated Hazardous Waste See Code Also	Concentra-tion (mg/L) Hazardous Constituent	Concentra-tion (mg/L) Nonwaste
0003	(Reactive Cyanides subcategory--based on Cyanides (Amenable) 35 Ill. Adm. Code 721.13(a) Cyanides (Total))	57-12-5	Res.	# 590.
0004	Table A Arsenic	7440-38-2	5.0	NA
0005	Table A Barium	7440-39-3	100.	NA
0006	Table A Cadmium	7440-43-9	1.0	NA
0007	Table A Chromium (Total)	7440-47-32	5.0	NA
0008	Table A Lead	7439-92-1	5.0	NA
0009	Table A Mercury	7439-97-6	0.20	NA
0010	Table A Selenium	7782-49-2	1.0	NA
0011	Table A Silver	7440-22-4	5.0	NA

Year	Table	Endrin	720-20-8	NA	0.1
2012	Table D	Endrin	720-20-8	NA	0.1
2013	Table D	Lindane	58-89-5	NA	0.06
2014	Table D	Methoxychlor	72-43-5	NA	0.18
2015	Table D	Toxaphene	8001-35-1	NA	1.3
2016	Table D	2,4-D	94-75-7	NA	10.0
2017	Table D	2,4,5-TP Silvex	93-76-5	NA	7.9
F001-F005	spent solvents				
Table E					
a-b-d					
	benzene	72-64-2	71-55-6	0.049	a-7-b
	toluene	72-64-2	71-55-6	0.049	a-7-b
	benzene	71-43-2	71-43-2	0.26	a-7-b
	benzene	71-43-2	71-43-2	0.070	a-7-b
	n-butyl alcohol	71-36-3	71-36-3	5.6	5.6
	carbon tetrachloride	56-23-5	56-23-5	0.057	5.6
	chlorobenzene	108-90-7	108-90-7	0.057	5.7
	o-cresol	95-50-1	95-50-1	0.11	5.7
	m- and p-isomers	95-50-1	95-50-1	0.088	5.7
	o-dichlorobenzene	141-76-6	141-76-6	0.34	6.2
	ethyl acetate	100-41-4	100-41-4	0.057	3.3
	ethyl benzene	60-29-7	60-29-7	0.12	6.0
	ethyl ether	78-10-7	78-10-7	0.32	16.0
	n-butyl alcohol	71-36-3	71-36-3	5.6	3.3
	acetic acid	78-10-7	78-10-7	0.089	3.3
	ethyl chloride	78-93-3	78-93-3	0.28	3.6
	methyl isobutyl ketone	108-10-1	108-10-1	0.14	3.3
	nitrobenzene	95-95-3	95-95-3	0.068	14.1
	pyridine	110-86-3	110-86-3	0.014	5.6
	o-xylene	95-95-3	95-95-3	0.02	28.6
	toluene	108-88-3	108-88-3	0.02	28.6
	1,1,1-trichloroethane	71-55-6	71-55-6	0.054	5.6
	1,1,2-trichloroethane	79-00-5	79-00-5	0.030	7.6
	1,1,2-trichloroethane	79-00-5	79-00-5	0.054	5.6
	1,1,2-trichloro-1,2,2,2-hexafluoroethane	75-13-1	75-13-1	0.057	28.1
	1,1,2-trichloro-1,2,2,2-hexafluoroethane	75-69-4	75-69-4	0.02	3.3
	xylenes (total)			0.32	28.1
F001-F005	spent solvents (Pharmaceutical Industry-Watercourse)				
Table E					
a-b-d					
	benzyltoluene	71-09-2	71-09-2	0.44	NA
F006	Table A	Cyanides (Total)	57-12-5	1.2	590.
		Cyanides (Amenable)	57-12-5	0.86	30.
		Cadmium	7440-43-9	1.2	NA
		Cadmium	7440-43-9	0.2	NA
		Lead	7439-92-1	0.040	NA
		Nickel	7440-02-2	0.44	NA
F007	Table A	Cyanides (Total)	57-12-5	1.9	590.
		Cyanides (Amenable)	57-12-5	0.1	30.
		Cadmium (Total)	7440-43-9	0.32	NA
		Lead	7439-92-1	0.04	NA

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	Nickel	7440-02-2	0.44	NA
F008 Table A	Cyanides (Total)	57-12-5	1.9	590.
	Cyanides (Amenable)	57-12-5	0.1	30.
	Chromium	7440-47-32	0.32	NA
	Lead	7439-92-1	0.04	NA
	Nickel	7440-02-2	0.44	NA
F009 Table A	Cyanides (Total)	57-12-5	1.95	90.
	Cyanides (Amenable)	57-12-5	0.32	30.
	Chromium	7440-47-32	0.32	NA
	Lead	7439-92-1	0.04	NA
	Nickel	7440-02-2	0.44	NA
F010 Table A	Cyanides (Total)	57-12-5	1.9	1.5
	Cyanides (Amenable)	57-12-5	0.1	NA
F011 Table A	Cyanides (Total)	57-12-5	1.9	110.
	Cyanides (Amenable)	57-12-5	0.32	9.1
	Chromium	7440-47-32	0.32	NA
	Lead	7439-92-1	0.04	NA
	Nickel	7440-02-2	0.44	NA
F012 Table A	Cyanides (Total)	57-12-5	1.9	110.
	Cyanides (Amenable)	57-12-5	0.32	9.1
	Chromium	7440-47-32	0.32	NA
	Lead	7439-92-1	0.04	NA
	Nickel	7440-02-2	0.44	NA
F019 Table A	Cyanides (Total)	57-12-5	1.2	R 590.
	Cyanides (Amenable)	57-12-5	0.66	R 30.
	Chromium	7440-47-32	0.32	NA

F024 organic standards must be treated via incineration (INCIN))	
Table 1	2-Chloro-1,3-butadiene 126-99-8 a 0.28 a 0.28

A	S	D
3-chloropropene	107-95-1	a 0.28
1,2-dichloroethane	107-16-2	a 0.14
1,1-dichloroethane	78-67-5	a 0.14
vinyl chloride	75-35-4	a 0.14
bis(2-ethylhexyl)phthalate	10651-02-6	a 0.14
Cis-2-ethylhexylphthalate	117-81-7	a 0.36
Hexachlorocyclopentadiene	57-72-1	a 0.36
Nickelum (total)	7440-01-2	NA
Nickel	7440-01-2	0.37

3025 (Light ends subcategory)

Chloroform	67-63-3	s 0.046	a 6.2
1,2-dichloroethane	78-06-2	s 0.21	a 6.2
1,1-dichloroethylene	75-35-4	s 0.025	a 6.2
Methylene chloride	75-9-2	s 0.089	a 31.
Carbon tetrachloride	56-23-5	s 0.057	a 6.2
1,1,2-trichloroethane	79-00-5	s 0.054	a 6.2
Trichloroethylene	79-01-6	s 0.054	s 5.6
Vinyl chloride	75-01-4	s 0.27	a 33.

F025 (Spent filters/aids and desiccants subcategory)

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FO37 Table A		FO38	
Chloroform	67-66-3	0.046	a 6.2
Methylene chloride	75-9-2	0.089	a 31.
Carbon tetrachloride	56-23-5	0.057	a 6.2
Trichloroethane	79-00-6	0.054	a 5.6
Trichloroethylene	79-00-6	0.054	a 5.6
Vinyl chloride	75-01-4	0.27	a 37.
Hexachlorobenzene	118-74-1	0.055	a 31.
Hexachlorobutadiene	87-68-3	0.055	a 28.
Hexachlorocyclohexane	67-72-1	0.055	a 30.
Acenaphthene	208-96-8	0.059	NA
Anthracene	129-12-7	0.059	a 28.
Benzenz	71-43-2	0.14	a 14.
Benzo(a)anthracene	125-28-5	0.052	a 22.
Benzo(b)fluoranthene	177-81-7	0.052	a 22.
Bis(2-ethylhexyl) phthalate	75-15-0	0.28	a 7.3
Chrysene	218-01-9	0.059	a 15.
Di-n-butyl phthalate	105-67-2	0.057	a 1.6
Diethyl phthalate	84-66-2	0.057	a 1.6
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	a 42.
Phenanthrene	95-01-8	0.059	a 34.
Phenol	108-90-2	0.039	a 3.6
Phthalic anhydride	133-20-1	0.087	a 14.
Toluene	108-88-3	0.08	a 14.
Xylene (a)		0.32	a 22.
Cyanides (Total)	57-12-5	0.028	a 1.8
Chromium (Total)	7440-67-32	0.2	NA
Lead	7439-92-1	0.037	NA
Benzenz	71-43-2	0.14	a 14.

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62-53-3	Aniline	0.81	14.
120-12-7	Anthracene	4.0	0.059
12674-11-2	Aroclor 1221	0.013	0.013
11004-28-2	Aroclor 1223	0.014	0.013
12346-15-6	Aroclor 1224	0.013	0.013
12672-79-6	Aroclor 1248	0.013	0.013
11097-69-1	Aroclor 1254	0.014	1.8
11095-82-5	Aroclor 1260	0.014	1.8
319-84-6	alpha-BHC	0.00014	0.00014
112-82-6	Beta-BHC	0.00014	0.00014
58-89-9	gamma-BHC	0.0017	0.0017
71-43-2	Benzene	14	36.
56-55-3	Benzob(a)anthracene	0.059	0.059
205-99-2	Benzob(k)fluoranthene	0.055	3.2
707-08-9	Benzok(a)fluoranthene	0.059	3.4
302-32-8	Benzofluoranthene	0.061	3.4
50-33-2	Benzofluorene	0.061	3.4
75-27-4	Bromodichloromethane	0.35	15.
75-25-2	Bromodichloromethane	0.63	15.
74-83-9	Bromoform	0.11	15.
101-55-3	Bromomethane (methyl bromide)	0.055	15.
71-36-3	n-Butyl phenyl ether	5.6	15.
85-68-7	n-Butyl phenyl alcohol	0.017	7.9
88-85-7	Butyl benzyl phthalate	0.066	2.5
	2-sec-Butyl 4,6-dinitro-phenol		
56-23-5	Carbon tetrachloride	0.057	5.6
57-74-9	Carbon disulfide	0.0033	0.0033
57-73-9	Chloroacetaldehyde	16.	16.
106-47-8	p-Chloroaniline	0.46	0.46
108-90-7	Chlorobenzene	0.057	5.7
120-15-6	Chlorobenzonitrile	0.10	NA
124-48-1	Chlorodibromomethane	0.057	16.
1101-11-1	Chlorodibromomethane	0.057	16.
103-03-1	Chlorodimethylmethane	0.036	7.0
111-44-4	bis(2-Chloroethoxy)methane	0.033	7.2
111-44-4	bis(2-Chloroethyl) ether	0.033	7.2
67-66-3	2-Chloroethyl vinyl ether	0.057	NA
39638-32-9	bis(2-Chloroisopropyl) ether	0.046	5.6
59-50-7	Chloro-m-cresol	0.055	7.2
74-87-3	Chloromethane (Methyl chloride)	0.018	14.
91-8-7	2-Chloronaphthalene	0.019	33.
95-57-8	2-Chlorophenol	0.055	5.6
120-13-6	2-Chloropropene	0.044	5.7
105-67-8	Chloroacetylene	0.036	28.
95-48-7	o-Cresol	0.039	5.6
	Cresol (m- and p-isomers)	0.11	5.6
108-94-1	Cyclohexanone	0.77	3.2
96-12-8	1,2-Dibromo-3-chloro-propane	0.36	NA
	1,2-Dibromo-3-chloro-propane	0.11	15.
106-93-4	Diethylmethanethione	0.028	15.
74-95-3	(Ethylene dibromide) dibromomethane	0.11	15.

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K016	Hexachloroethene	67-72-1	a-6.0
	Heptachloroethene	157-18-4	a-0.007
	Hexachlorobenzene	118-74-1	0.055
	Hexachlorobenzene	118-74-1	a 28.6
	Hexachlorobenzene	71-72-1	a 5.6
K017	Hexachlorobenzene	71-72-1	0.057
	Hexachlorobenzene	71-72-1	a 28.6
	Hexachlorobenzene	127-18-4	0.055
	Hexachlorobenzene	127-18-4	a 6.0
	Hexachlorobenzene	127-18-4	a 6.0
K018	1,2-Dichloropropane	78-57-5	a 0.85
	1,2-Dichloropropane	96-18-4	a 0.85
	1,2-Dichloropropane	96-18-4	a 28.6
	Bis(2-chloroethyl) ether	111-44-4	a 7.2
	Bis(2-chloroethyl) ether	111-44-4	a 0.033
K019	Chloroethane	75-00-3	a-0.007
	Chloroethane	75-00-3	a-0.007
	1,1-Dichloroethane	75-34-3	a-0.007
	1,1-Dichloroethane	75-34-3	a-0.007
	1,1-Dichloroethane	75-34-3	a-0.007
K020	Hexachlorobenzene	118-74-1	0.055
	Hexachlorobenzene	118-74-1	a 28.6
	Hexachlorobenzene	71-72-1	a 5.6
	Hexachlorobenzene	71-72-1	0.057
	Hexachlorobenzene	71-72-1	a 28.6
K021	1,1,1-Trichloroethane	71-35-6	0.054
	1,1,1-Trichloroethane	71-35-6	a 6.0
	1,1,1-Trichloroethane	71-35-6	a 6.0
	1,1,1-Trichloroethane	71-35-6	a 28.6
	1,1,1-Trichloroethane	71-35-6	0.055
K022	Bis(2-chloroethyl) ether	111-44-4	a-0.007
	Bis(2-chloroethyl) ether	111-44-4	a-0.007
	Bis(2-chloroethyl) ether	111-44-4	a-0.007
	Bis(2-chloroethyl) ether	111-44-4	a-0.007
	Bis(2-chloroethyl) ether	111-44-4	a-0.007
K023	Chloroethane	75-00-3	a-0.007
	Chloroethane	75-00-3	a-0.007
	1,1-Dichloroethane	75-34-3	a-0.007
	1,1-Dichloroethane	75-34-3	a-0.007
	1,1-Dichloroethane	75-34-3	a-0.007
K024	Hexachlorobenzene	118-74-1	0.055
	Hexachlorobenzene	118-74-1	a 28.6
	Hexachlorobenzene	71-72-1	a 5.6
	Hexachlorobenzene	71-72-1	0.057
	Hexachlorobenzene	71-72-1	a 28.6
K025	1,1,1-Trichloroethane	71-35-6	0.054
	1,1,1-Trichloroethane	71-35-6	a 6.0
	1,1,1-Trichloroethane	71-35-6	a 6.0
	1,1,1-Trichloroethane	71-35-6	a 28.6
	1,1,1-Trichloroethane	71-35-6	0.055
K026	Bis(2-chloroethyl) ether	111-44-4	a-0.007
	Bis(2-chloroethyl) ether	111-44-4	a-0.007
	Bis(2-chloroethyl) ether	111-44-4	a-0.007
	Bis(2-chloroethyl) ether	111-44-4	a-0.007
	Bis(2-chloroethyl) ether	111-44-4	a-0.007
K027	Chloroethane	75-00-3	a-0.007
	Chloroethane	75-00-3	a-0.007
	1,1-Dichloroethane	75-34-3	a-0.007
	1,1-Dichloroethane	75-34-3	a-0.007
	1,1-Dichloroethane	75-34-3	a-0.007
K028	Hexachlorobenzene	118-74-1	0.055
	Hexachlorobenzene	118-74-1	a 28.6
	Hexachlorobenzene	71-72-1	a 5.6
	Hexachlorobenzene	71-72-1	0.057
	Hexachlorobenzene	71-72-1	a 28.6
K029	1,1,1-Trichloroethane	71-35-6	0.054
	1,1,1-Trichloroethane	71-35-6	a 6.0
	1,1,1-Trichloroethane	71-35-6	a 6.0
	1,1,1-Trichloroethane	71-35-6	a 28.6
	1,1,1-Trichloroethane	71-35-6	0.055
K030	Bis(2-chloroethyl) ether	111-44-4	a-0.007
	Bis(2-chloroethyl) ether	111-44-4	a-0.007
	Bis(2-chloroethyl) ether	111-44-4	a-0.007
	Bis(2-chloroethyl) ether	111-44-4	a-0.007
	Bis(2-chloroethyl) ether	111-44-4	a-0.007
K031	Chloroethane	75-00-3	a-0.007
	Chloroethane	75-00-3	a-0.007
	1,1-Dichloroethane	75-34-3	a-0.007
	1,1-Dichloroethane	75-34-3	a-

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K020	1,1,1-Trichloroethane	71-55-6	0.054	a 6.0
	1,1,2-Dichloroethane	107-06-2	a 0.007	a 6.0
	1,1,2,2-Tetrachloroethane	107-34-6	a 0.007	a 5.6
	Tetrachloroethane	117-18-4	a 0.007	a 6.0
K020	1,2-Dichloroethane	106-93-4	0.21	a 6.0
	1,1,2,2-Tetrachloroethane	107-34-6	0.057	a 5.6
	Tetrachloroethane	72-18-4	0.056	a 6.0
K021	Chloroform	67-66-2	a 0.046	a 6.2
	Carbon tetrachloride	56-23-5	a 0.057	a 6.2
	Antimony	58-23-5	a 0.057	a 6.2
K022	Acetone	108-88-3	a 0.060	a 0.0
	Acetophenone	96-86-2	a 0.010	a 19
	Diphenylamine	22-30-4	a 0.010	NA
	Superoxide of diphenylamine	58-30-6	a 0.40	a 13
K023	Phenylhydrazine	108-95-2	0.039	a 12
	Phenylhydrazine (Total)	7440-47-32	0.35	NA
	Chromium (Total)	7440-02-0	0.47	NA
	Nickel	65-44-9	a 0.54	a 38
K023	Phthalic anhydride (measured as Phthalic acid)	85-44-9	0.062	a 28
	Phthalic anhydride (measured as Phthalic acid)	85-44-9	a 0.54	a 38
	Phthalic anhydride (measured as Phthalic acid)	85-44-9	0.069	a 28
	Phthalic anhydride (measured as Phthalic acid)	85-44-9	a 0.007	a 6.0
K024	1,1-Dichloroethane	75-34-3	a 0.007	a 6.0
	1,1,2-Dichloroethane	87-68-3	a 0.007	a 5.6
	1,1,2,2-Tetrachloroethane	107-34-6	a 0.007	a 6.0
	1,1,2,2-Tetrachloroethane	107-34-6	a 0.007	a 6.0
K024	1,1,2,2-Tetrachloroethane	107-34-6	a 0.007	a 6.0
	1,1,2,2-Tetrachloroethane	107-34-6	a 0.007	a 6.0
	1,1,2,2-Tetrachloroethane	107-34-6	a 0.007	a 6.0
	1,1,2,2-Tetrachloroethane	107-34-6	a 0.007	a 6.0
K028	Chromium (Total)	7440-47-32	0.35	NA
	Nickel	7440-02-0	0.47	NA
	Nickel	7440-02-0	0.47	NA
	Nickel	7440-02-0	0.47	NA
K028	1,1-Dichloroethane trans-1,2-	75-34-3	0.052	a 6.0
	1,2-Dichloroethane	107-06-2	0.054	a 6.0
	1,2-Dichloroethane	107-06-2	0.055	a 5.6
	Hexachlorocyclopentadiene	87-58-3	0.055	a 28

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K029	Pentachloroethane	76-01-7	NA	a 5.6
	1,1,1,2-Tetrachloroethane	630-20-6	0.057	a 5.6
	1,1,1,2,2-Pentachloroethane	79-34-6	0.057	a 5.6
	1,1,1,2-Trichloroethane	79-34-6	0.054	a 6.0
	1,1,1-Trichloroethane	71-55-6	0.054	a 6.0
	1,1,2-Trichloroethane	122-01-8	0.054	a 6.0
	1,1,2,2-Tetrachloroethane	122-01-8	0.054	a 6.0
	Chromium	7440-43-9	6.4	NA
	Chromium (Total)	7440-47-32	0.35	NA
	Lead	7439-92-1	0.037	NA
K030	Nickel	7440-02-0	0.47	a 6.0
	Chloroform	67-66-3	0.46	a 6.0
	1,2-Dichloroethane	107-06-2	0.21	a 6.0
	1,1-Dichloroethylene	75-35-4	0.025	a 6.0
	1,1,1-Trichloroethane	71-55-6	0.054	a 6.0
	Vinyl chloride	75-01-4	0.27	a 6.0
	o-Dichlorobenzene	95-50-1	a 0.008	NA
	p-Dichlorobenzene	106-46-7	a 0.006	NA
	Hexachlorobutadiene	87-68-3	a 0.007	a 5.6
	Hexachloroethane	50-07-7	a 0.033	a 28
K030	Pentachloroethane	608-03-5	NA	a 28
	Pentachlorobenzene	608-03-5	NA	a 28
	Pentachloroethane	76-01-7	a 0.007	a 5.6
	1,2,4,5-Tetrachlorobenzene	95-94-3	a 0.007	a 14
	1,2,4,5-Tetrachlorobenzene	127-18-4	a 0.007	a 6.0
	Tetrachloroethane	127-18-4	a 0.007	a 6.0
	1,2,4,5-Tetrachlorobenzene	127-18-4	a 0.007	a 6.0
	o-Dichlorobenzene	95-50-1	0.088	NA
	p-Dichlorobenzene	106-46-7	0.03	a 5.6
	Hexachlorobutadiene	87-68-3	0.055	a 28
K030	Hexachloroethane	50-07-7	0.055	a 28
	Hexachlorobenzene	50-07-7	NA	a 28
	Pentachlorobenzene	608-03-5	NA	a 28
	Pentachloroethane	76-01-7	NA	a 5.6
	1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	a 14
	Tetrachloroethane	127-18-4	0.055	a 6.0
	1,2,4,5-Tetrachlorobenzene	127-18-4	0.055	a 6.0
	1,2,4,5-Tetrachlorobenzene	127-18-4	0.055	a 6.0
	1,2,4,5-Tetrachlorobenzene	127-18-4	0.055	a 6.0
	1,2,4,5-Tetrachlorobenzene	127-18-4	0.055	a 6.0
K031	Arsenic	7440-38-2	0.79	NA
	Hexachlorocyclopentadiene	77-47-4	a 0.057	a 24
	Chloroform	67-66-3	a 0.0033	a 0.26
	Hydrochloric acid	77-32-1	a 0.0033	a 0.26
	Hydrochloric acid	77-32-1	a 0.016	a 0.066
	Hydrochloric acid	1024-57-3	a 0.016	a 0.066
	Hydrochloric acid	1024-57-3	a 0.016	a 0.066
	Hydrochloric acid	1024-57-3	a 0.016	a 0.066
	Hydrochloric acid	1024-57-3	a 0.016	a 0.066
	Hydrochloric acid	1024-57-3	a 0.016	a 0.066
K033	Hexachlorocyclopentadiene	77-47-4	a 0.057	a 24
	Hexachlorocyclopentadiene	77-47-4	a 0.057	a 24
	Hexachlorocyclopentadiene	77-47-4	a 0.057	a 24
	Hexachlorocyclopentadiene	77-47-4	a 0.057	a 24
	Hexachlorocyclopentadiene	77-47-4	a 0.057	a 24
	Hexachlorocyclopentadiene	77-47-4	a 0.057	a 24
	Hexachlorocyclopentadiene	77-47-4	a 0.057	a 24
	Hexachlorocyclopentadiene	77-47-4	a 0.057	a 24
	Hexachlorocyclopentadiene	77-47-4	a 0.057	a 24
	Hexachlorocyclopentadiene	77-47-4	a 0.057	a 24
K035	Acenaphthene	83-32-9	NA	a 3.4
	Anthracene	120-12-7	NA	a 3.4
	Benz (a) anthracene	56-53-8	0.59	a 3.4
	Benzo (a) pyrene	50-32-6	NA	a 3.4
	Benzo (b) pyrene	50-32-6	0.059	a 3.4
	Dibenz (a, h) anthracene	53-70-3	NA	a 3.4
	Fluoranthene	206-44-0	a 0.068	a 3.4
	Fluoranthene	206-44-0	a 0.068	a 3.4
	Fluoranthene	206-44-0	a 0.068	a 3.4
	Fluoranthene	206-44-0	a 0.068	a 3.4

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K046	Table A	Lead	7439-92-1	0.037	NA
K048	Table A	Benzene	71-43-2	a-0.011	a-1.4
		Benzene (a)	50-12-8	a-0.047	a-1.2
		Benzene (b)	50-12-8	a-0.047	a-1.2
		Benzene (c)	50-12-8	a-0.047	a-1.2
		Benzene (d)	50-12-8	a-0.047	a-1.2
		Benzene (e)	50-12-8	a-0.047	a-1.2
		Benzene (f)	50-12-8	a-0.047	a-1.2
		Benzene (g)	50-12-8	a-0.047	a-1.2
		Benzene (h)	50-12-8	a-0.047	a-1.2
		Benzene (i)	50-12-8	a-0.047	a-1.2
		Benzene (j)	50-12-8	a-0.047	a-1.2
		Benzene (k)	50-12-8	a-0.047	a-1.2
		Benzene (l)	50-12-8	a-0.047	a-1.2
		Benzene (m)	50-12-8	a-0.047	a-1.2
K049	Table A	Benzene	71-43-2	a-0.011	a-1.4
		Benzene (a)	50-12-8	a-0.047	a-1.2
		Benzene (b)	50-12-8	a-0.047	a-1.2
		Benzene (c)	50-12-8	a-0.047	a-1.2
		Benzene (d)	50-12-8	a-0.047	a-1.2
		Benzene (e)	50-12-8	a-0.047	a-1.2
		Benzene (f)	50-12-8	a-0.047	a-1.2
		Benzene (g)	50-12-8	a-0.047	a-1.2
		Benzene (h)	50-12-8	a-0.047	a-1.2
		Benzene (i)	50-12-8	a-0.047	a-1.2
		Benzene (j)	50-12-8	a-0.047	a-1.2
		Benzene (k)	50-12-8	a-0.047	a-1.2
		Benzene (l)	50-12-8	a-0.047	a-1.2
		Benzene (m)	50-12-8	a-0.047	a-1.2
K049	Table A	Benzene	71-43-2	a-0.011	a-1.4
		Benzene (a)	50-12-8	a-0.047	a-1.2
		Benzene (b)	50-12-8	a-0.047	a-1.2
		Benzene (c)	50-12-8	a-0.047	a-1.2
		Benzene (d)	50-12-8	a-0.047	a-1.2
		Benzene (e)	50-12-8	a-0.047	a-1.2
		Benzene (f)	50-12-8	a-0.047	a-1.2
		Benzene (g)	50-12-8	a-0.047	a-1.2
		Benzene (h)	50-12-8	a-0.047	a-1.2
		Benzene (i)	50-12-8	a-0.047	a-1.2
		Benzene (j)	50-12-8	a-0.047	a-1.2
		Benzene (k)	50-12-8	a-0.047	a-1.2
		Benzene (l)	50-12-8	a-0.047	a-1.2
		Benzene (m)	50-12-8	a-0.047	a-1.2

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K050	Table-A	Bis(2-ethylhexyl)	75-150-0	a 0.28	a 7.3
		Citralaldehyde	75-15-0	a 0.014	NA
		Dimethyl sulfide	218-01-9	a 0.059	a 15.
		Cyrene	108-95-2	a 0.036	NA
		2,4-Dimethyl phenol	100-41-4	a 0.037	a 14.
		Ethylbenzene	106-68-3	a 0.036	a 14.
		Naphthalene	85-01-8	a 0.059	a 34.
		Phenol	108-95-2	a 0.039	a 36.
		Pyrene	129-00-0	a 0.067	a 36.
		Toluene	108-88-3	a 0.039	a 34.
		Xylenes (Total)	108-95-2	a 0.039	a 36.
		Chromium (Total)	129-00-0	a 0.067	a 36.
		Lead	108-88-3	a 0.039	a 36.
		Benzo(a)pyrene	55-12-5	a 0.028	a 14.
		Chromium (Total)	7440-47-32	a 0.037	a 14.
K051	Table-A	Benzotripyrene	7439-29-1	a 0.042	a 14.
		Phenol	7439-29-1	a 0.042	a 14.
		Cyrenes (Total)	7439-29-1	a 0.042	a 14.
		Chromium (Total)	7439-29-1	a 0.042	a 14.
		Lead	7439-29-1	a 0.042	a 14.
		Benzo(a)pyrene	50-32-8	a 0.061	a 14.
		Phenol	108-95-2	a 0.061	a 14.
		Cyrenes (Total)	108-95-2	a 0.061	a 14.
		Chromium (Total)	7440-47-32	a 0.061	a 14.
		Lead	7439-29-1	a 0.061	a 14.
		Benzo(a)pyrene	50-32-8	a 0.061	a 14.
		Phenol	108-95-2	a 0.061	a 14.
		Cyrenes (Total)	108-95-2	a 0.061	a 14.
		Chromium (Total)	7440-47-32	a 0.061	a 14.
		Lead	7439-29-1	a 0.061	a 14.
K052	Table-A	Acenaphthene	63-32-9	a 0.05	NA
		Anthracene	140-14-4	a 0.059	a 28.
		Benzo(a)anthracene	125-28-5	a 0.043	a 28.
		Benzo(b)anthracene	56-32-8	a 0.043	a 28.
		Benzo(k)anthracene	56-32-8	a 0.043	a 28.
		Bis(2-ethylhexyl)phthalate	75-15-0	a 0.043	a 7.3
		Cyrene	108-95-2	a 0.043	a 15.
		Di-n-butyl phthalate	108-95-2	a 0.043	a 15.
		Phthalic anhydride	108-95-2	a 0.043	a 15.
		Fluorene	86-73-7	a 0.054	a 14.
		Naphthalene	81-20-3	a 0.033	a 42.
		Phenanthrene	85-01-8	a 0.047	a 28.
		Phenol	108-95-2	a 0.047	a 28.
		Toluene	108-88-3	a 0.011	a 14.
		Xylenes (Total)	108-95-2	a 0.011	a 14.
K051	Table-A	Cyrenes (Total)	57-12-5	a 0.028	a 1.6
		Chromium (Total)	7440-47-32	a 0.037	a 1.6
		Lead	7439-92-1	a 0.037	a 1.6
		Acenaphthene	83-32-9	a 0.059	a 28.
		Anthracene	120-12-7	a 0.059	a 28.
		Benzo(a)anthracene	125-28-5	a 0.043	a 28.
		Benzo(b)anthracene	56-32-8	a 0.043	a 28.
		Benzo(k)anthracene	56-32-8	a 0.043	a 28.
		Bis(2-ethylhexyl)phthalate	75-15-0	a 0.043	a 7.3
		Cyrene	2218-01-9	a 0.059	a 15.
		Di-n-butyl phthalate	108-95-2	a 0.057	a 3.6
		Ethylbenzene	106-68-3	a 0.057	a 34.
		Phthalic anhydride	108-95-2	a 0.057	a 34.
		Fluorene	86-73-7	a 0.054	a 14.
		Naphthalene	81-20-3	a 0.033	a 42.

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K052	Table-A	Fluorene	86-73-7	a 0.059	a 0.059
		Naphthalene	91-20-3	a 0.059	a 42.
		Phenanthrene	85-01-8	a 0.059	a 34.
		Phenol	108-95-2	a 0.059	a 36.
		Pyrene	129-00-0	a 0.067	a 36.
		Toluene	108-88-3	a 0.039	a 34.
		Xylenes (Total)	108-95-2	a 0.039	a 36.
		Cyrenes (Total)	57-12-5	a 0.028	a 1.8
		Chromium (Total)	7440-47-32	a 0.037	a 1.8
		Lead	7439-29-1	a 0.037	a 1.8
		Benzo(a)pyrene	71-43-2	a 0.061	a 14.
		Benzo(b)pyrene	71-43-2	a 0.061	a 14.
		Benzo(k)pyrene	71-43-2	a 0.061	a 14.
		Phenol	95-48-7	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
K052	Table-A	Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
K052	Table-A	Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
K051	Table-A	Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.
		Phenanthrene	108-95-2	a 0.047	a 14.
		Phenol	108-95-2	a 0.047	a 14.

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K069	Tables A & D	Cadmium	7440-43-9	1.6	NA
		Lead	7439-92-1	0.51	NA
K071	Table A	Mercury	7439-97-6	0.030	NA
K073		Carbon tetrachloride	58-23-5	a 0.057	a 6.2
		Chloroform	67-66-3	a 0.046	a 6.2
		Hexachloroethane	67-72-1	a 0.055	a 30.
		Tetrachloroethane	127-18-4	a 0.056	a 6.2
		1,1,1-Trichloroethane	71-55-6	a 0.054	a 6.2
K083	Table A	Benzene	71-43-2	a 0.14	a 6.6
		Aniline	62-53-3	a 0.81	a 14.
		Diphenylamine	22-39-4	a 0.52	NA
		Diphenylnitrosamine	86-30-6	a 0.40	NA
		Sum of Diphenylamine and Diphenylnitrosamine		NA	a 14.
		Nitrobenzene		a 0.068	a 14.
		Phenol	98-95-3	a 0.039	a 5.6
		Cyclohexanone	108-94-1	0.36	a 30.
		Nickel	7440-02-2	0.47	NA
K084		Arsenic	7440-38-2	0.79	NA
K085		Benzene	71-43-2	a 0.14	a 4.4
		Chlorobenzene	108-90-7	a 0.057	a 4.4
		o-Dichlorobenzene	95-50-1	a 0.088	a 4.4
		m-Dichlorobenzene	941-73-1	a 0.036	a 4.4
		p-Dichlorobenzene	95-73-4	a 0.036	a 4.4
		1,2,4-Trichlorobenzene	120-82-1	a 0.055	a 4.4
		1,2,4,5-Tetrachlorobenzene	95-94-3	a 0.055	a 4.4
		Pentachlorobenzene	608-93-5	a 0.055	a 4.4
		Hexachlorobenzene	118-74-1	a 0.055	a 4.4
		Acroclor 1016	12674-11-2	a 0.013	a 0.9
		Acroclor 1212	11141-16-5	a 0.013	a 0.9
		Acroclor 1232	11141-16-5	a 0.013	a 0.9
		Acroclor 1242	53465-21-9	a 0.017	a 0.92
		Acroclor 1248	12672-29-6	a 0.013	a 0.92
		Acroclor 1254	11097-69-1	a 0.014	a 1.8
		Acroclor 1260	11096-82-5	a 0.014	a 1.8
K086	Table A	Acetone	67-64-1	a 160.	a 160.
		Acetophenone	96-86-2	0.010	a 9.7
		Bis(2-ethylhexyl)phthalate	117-81-7	a 0.28	a 28.
		n-Butyl alcohol	71-36-3	a 2.6	a 2.6
		Butylbenzylphthalate	85-68-1	a 0.017	a 7.9
		Diethylbenzylphthalate	95-50-1	a 0.088	a 6.0
		Diethyl phthalate	84-66-2	a 0.20	a 28.
		Dimethyl phthalate	131-11-3	a 0.047	a 28.
		Di-n-butyl phthalate	84-74-2	a 0.057	a 28.
		Diisobutyl phthalate	117-84-0	a 0.017	a 28.
		Di-tert-butyl phthalate	117-84-0	a 0.017	a 28.
		Ethylbenzene	100-41-4	a 0.057	a 6.0
		Methanol	67-56-1	a 5.6	NA
		Methyl isobutyl ketone	108-10-1	0.14	a 33.
		Methyl ethyl ketone	78-93-3	0.28	a 36.

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	Methylene chloride	75-09-2	a 0.089	a 33.	
	Naphthalene	91-20-3	a 0.059	a 3.1	
	Nitrobenzene	98-95-3	a 0.068	a 14.	
	Toluene	108-88-3	a 0.080	a 28.	
	1,1,1-Trichloroethane	71-55-6	a 0.054	a 6	
	1,1,2-Trichloroethane	79-01-6	a 0.054	a 6	
	Xylenes (g)	(Total)	a 0.32	a 28.	
	Cyanides (Total)	57-12-5	1.9	1.5	
	Chromium (Total)	7440-47-32	0.32	NA	
	Lead	7439-92-1	0.037	NA	
K087	Table-A	Acenaphthalene	208-96-8	a 0.028	3-4
		Benzene	71-43-2	a 0.034	a 0.071
		Chrysene	218-01-9	a 0.028	a 3-4
		Fluorene	218-01-9	a 0.028	a 3-4
		Indene(1,2,3-cd)pyrene	193-39-5	a 0.028	a 3-4
		Naphthalene	91-20-3	a 0.028	a 3-4
		Phenanthrene	85-01-8	a 0.028	a 3-4
		Pyrene	102-88-3	a 0.028	a 3-4
		Xylenes (g)	7439-92-1	a 0.028	a 3-4
		Lead		a 0.034	a 0.07
				a 0.037	NA
K087		Acenaphthalene	208-96-8	a 0.059	3-4
		Benzene	71-43-2	a 0.034	a 0.071
		Chrysene	218-01-9	a 0.059	a 3-4
		Fluorene	218-01-9	a 0.068	a 3-4
		Indeno(1,2,3-cd)pyrene	193-39-5	a 0.068	a 3-4
		Naphthalene	91-20-3	a 0.055	a 3-4
		Phenanthrene	85-01-8	a 0.052	a 3-4
		Pyrene	102-88-3	a 0.052	a 3-4
		Xylenes	7439-92-1	a 0.08	a 0.65
		Lead		a 0.32	a 0.07
				0.037	NA
K093		Phthalic anhydride (measured as Phthalic acid)	85-44-9	a 0.54	a 28.
K093		Phthalic anhydride (measured as Phthalic acid)	85-44-9	0.069	a 28.
K094		Phthalic anhydride (measured as Phthalic acid)	85-44-9	a 0.54	a 28.
K094		Phthalic anhydride (measured as Phthalic acid)	85-44-9	0.069	a 28.
K095		1,1,1,2-Tetrachloroethane	630-20-6	0.057	a 5.6
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	a 5.6
		Tetrachloroethene	127-18-4	0.056	a 6.0
		1,1,2-Trichloroethane	79-00-5	0.054	a 5.6
		Trichloroethylene	79-01-6	0.054	a 5.6
		Hexachloroethane	67-72-1	0.055	a 28.
		Pentachloroethane	76-01-7	0.055	a 5.6
K096		1,1,1,2-Tetrachloroethane	630-20-6	0.057	a 5.6
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	a 5.6
		Tetrachloroethene	127-18-4	0.056	a 6.0

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P013	Barium cyanide	Table A Cyanides (Total) (Amenable)	57-12-5	1.9	110.
P020	2-sec-Butyl-4-nitrophenol (Dinoseb)	2-sec-Butyl-4-nitrophenol (Dinoseb)	88-85-7	0.066 *	2.5
P021	Calcium cyanide	Cyanides (Total) (Amenable)	57-12-5	1.9	110.
P022	Carbon di-sulfide	Table D Carbon di-sulfide	75-15-0	0.014	NA
P024	p-Chloro-aniline	p-Chloro-aniline	106-47-8	0.46 *	16.
P029	Copper cyanide	Cyanides (Total) (Amenable)	57-12-5	1.9	110.
P030	Cyanides (soluble salts and complexes)	Cyanides (Total)	57-12-5	1.9	110.
P036	Dichloro-phenylarsine	Cyanides (Amenable)	57-12-5	0.1	9.1
P037	Diethrin	Table A Arsenic	7440-38-2	0.79	NA
P038	Diethrin arene	Diethrin	60-57-1	0.017 *	0.13
P039	Disulfoton	Table A Arsenic	7440-38-2	0.79	NA
P047	4,6-Dinitro-o-cresol	Disulfoton	298-04-4	0.017 *	0.1
P048	2,4-Dinitro-phenol	4,6-Dinitro-o-cresol	534-52-4	0.28 *	160.
P050	Endosulfan	2,4-Dinitro-phenol	51-28-5	0.12 *	160.
P051	Endrin	Endosulfan I	939-98-8	0.023 *	0.066
		Endosulfan II	33213-6-5	0.029 *	0.13
		Endosulfan sulfate	1031-07-8	0.029 *	0.13
		Endrin aldehyde	72-20-8	0.0028 *	0.13
		Endrin	7421-93-4	0.025 *	0.13

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P056	Fluoride	Table D Fluoride	18694-48-8	35.	NA
P059	Heptachlor epoxide	Heptachlor epoxide	76-44-8	0.0012 *	0.066
P060	Isodrin	Isodrin	1024-57-3	0.016 *	0.066
P063	Hydrogen cyanide	Cyanides (Total) (Amenable)	465-73-6	0.021 *	0.066
P065	Mercury fulminate A & D	Cyanides (Total) (Amenable)	57-12-5	1.9	110.
P071	Methyl parathion	Mercury	57-12-5	0.10	9.1
P073	Nickel carbonyl	Mercury	7439-97-6	0.030	NA
P074	Nickel cyanide	Table A Nickel	298-00-0	0.025 *	0.1
P077	p-Nitro-aniline	Table A Nickel	7440-02-2	0.44	NA
P082	N-Nitrosodi-methylamine	Cyanides (Total) (Amenable)	57-12-5	1.9	110.
P089	Parathion	Cyanides (Total) (Amenable)	57-12-5	0.10	9.1
P092	Phenylmer-cury acetate A & D	Nickel	7440-02-2	0.44	NA
P094	Phorate	p-Nitro-aniline	100-01-6	0.028 *	28.
P097	Famphur	N-Nitrosodi-methylamine	62-75-9	0.40	NA
P098	Potassium cyanide	Parathion	56-38-2	0.025 *	0.1
P099	Potassium sulfide	Mercury	7439-97-6	0.030	NA
P101	Ethyl cyanide (Pro-panenitrile)	Phorate	298-02-2	0.025 *	0.1
		Famphur	52-85-7	0.025 *	0.1
		Cyanides (Total) (Amenable)	57-12-5	1.9	110.
		Cyanides (Amenable)	57-12-5	0.10	9.1
		Cyanides (Total)	57-12-5	1.9	110.
		Cyanides (Amenable)	57-12-5	0.10	9.1
		Cyanides (Total)	57-12-5	1.9	110.
		Cyanides (Amenable)	57-12-5	0.1	9.1
		Silver	7440-22-4	0.29	NA
		Ethyl cyanide (Pro-panenitrile)	107-12-0	0.24 *	360.

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P103	Selenourea	Table A Selenium	7782-49-2	*	1.0	NA	U022	Benzo(a)-pyrene	50-32-8	*	0.061	* 8.2
P104	Silver cyanide	Table A Cyanides (Total)	57-12-5		1.9	110.	U024	Bis(2-chloroethoxy)methane	111-91-1		0.036	* 7.2
		Cyanides (Amenable)	57-12-5		0.10	9.1						
P106	Sodium cyanide	Silver	7440-22-4		0.29	NA	U025	Bis(2-chloroethyl) ether	111-44-4		0.033	* 7.2
		Cyanides (Total)	57-12-5		1.9	110.						
		Cyanides (Amenable)	57-12-5		0.10	9.1	U027	Bis(2-chloroethyl) ether	39638-32-9	*	0.055	* 7.2
P110	Tetraethyl lead	Tables A & D	7439-92-1		0.040	NA	U028	Bis(2-ethylhexyl) phthalate	117-81-7	*	0.54	* 28
P113	Thallic oxide	Table D Thallium	7440-28-0	*	0.14	NA						
P114	Thallium arsenite	Table A Selenium	7782-49-2		1.0	NA	U028	Bis(2-ethylhexyl) phthalate	117-81-7		0.28	28. X
P115	Thallium(I) sulfate	Table D Thallium	7440-28-0	*	0.14	NA	U029	Bromomethane (Methyl bromide)	74-83-9	*	0.11	* 15.
P119	Ammonia vanadate	Table D Vanadium	7440-62-2	*	28.	NA	U030	4-Bromo-phenyl ether	101-55-3	*	0.055	* 15.
P120	Vanadium pentoxide	Table D Vanadium	7440-62-2	*	28.	NA	U031	n-Butyl alcohol	71-36-3		5.6	* 2.6
P121	Zinc cyanide	Cyanides (Total)	57-12-5		1.9	110.	U032	Calcium Chloride (alpha and gamma)	7440-47-32		0.32	NA
		Cyanides (Amenable)	57-12-5		0.10	9.1	U036	Chlordane	57-74-9	*	0.00033	* 0.13
P123	Toxaphene	Toxaphene	8001-35-1	*	0.0095	* 1.3	U037	Chlorobenzene	108-90-7	*	0.057	* 5.7
U002	Acetone	Acetone	67-64-1		0.28	* 160.	U038	Chlorobenzilate	510-15-6	*	0.10	NA
U003	Acetonitrile	Table D Acetonitrile	75-05-8		0.17	NA	U039	p-Chloro-m-cresol	59-50-7	*	0.018	* 14.
U004	Acetophenone	Acetophenone	98-86-2	*	0.010	* 9.7	U042	2-Chloroethyl vinyl ether	110-75-8		0.057	NA
U005	2-Acetylm-nofluorene	2-Acetylm-nofluorene	53-96-3	*	0.059	* 140.	U043	Vinyl chloride	75-01-4	*	0.27	* 33.
U009	Acrylonitrile	Acrylonitrile	107-13-1	*	0.24	* 84.	U044	Chloroform	67-66-3	*	0.046	* 5.6
U012	Aniline	Aniline	62-53-3		0.81	* 14.						
U018	Benz(a)-anthracene	Benz(a)-anthracene	56-55-3	*	0.059	* 8.2						
U019	Benzene	Benzene	71-43-2	*	0.14	* 36.						

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U045	Chloromethane (Methyl chloride)	Chloromethane 74-87-3	* 0.19	* 33.
U047	2-Chloro-naphthalene	91-58-7	* 0.055	* 5.6
U048	2-Chloro-phenol	95-57-8	* 0.044	* 5.7
U050	Chrysene	218-01-9	* 0.059	* 8.2
U051	Creosote	Table A Naphthalene 91-20-3	* 0.031	* 1.5
		Pentachloro- 87-86-5	* 0.18	* 7.4
		Phenanthrene 85-01-8	* 0.031	* 1.5
		Pyrene 129-00-0	* 0.028	* 28.
		Toluene 108-88-3	* 0.028	* 33.
		Xylenes (total)	* 0.032	NA
		Lead 7439-92-1	* 0.037	NA
U052	Creosols (Creosylic acid)	O-Cresol 95-48-7	* 0.11	* 5.6
		Cresols (m- and p-isomers)	* 0.77	* 3.2
U057	Cyclohexanone	Table B Cyclohexanone 108-94-1	0.36	NA
U060	DDD	O,p'-DDD 53-19-0	0.023	* 0.087
		P,p'-DDD 72-54-8	0.023	* 0.087
U061	DDT	O,p'-DDT 789-02-6	* 0.0039	* 0.087
		P,p'-DDT 50-29-3	* 0.0039	* 0.087
		O,p'-DDD 53-19-0	* 0.023	* 0.087
		P,p'-DDD 72-54-8	* 0.023	* 0.087
		P,p'-DDE 342-92-6	* 0.031	* 0.087
		P,p'-DDE 72-55-9	* 0.031	* 0.087
U063	Dibenz(a,h)anthracene	Dibenz(a,h)-anthracene 53-70-3	* 0.055	* 8.2
U066	1,2-Dibromo-3-chloro-propane	1,2-Dibromo-3-chloropropane 96-12-8	* 0.11	* 15.
U067	1,2-Dibromo-ethane (Ethylene dibromide)	1,2-Dibromo-ethane 106-93-4	* 0.028	* 15.
U068	Dibromoethane	Dibromoethane 74-95-3	* 0.11	15.

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U069	Di-n-butyl phthalate	Di-n-butyl phthalate 84-74-2	* 0.54	* 26.
U069	Di-n-butyl phthalate	Di-n-butyl phthalate 84-74-2	0.057	28. X
U070	o-Dichloro-benzene	o-Dichloro-benzene 95-50-1	* 0.088	* 6.2
U071	m-Dichloro-benzene	m-Dichloro-benzene 541-73-1	0.036	6.2
U072	p-Dichloro-benzene	p-Dichloro-benzene 104-46-7	* 0.090	* 6.2
U075	Dichlorodifluoromethane	Dichlorodifluoromethane 75-71-8	* 0.23	* 7.2
U076	1,1-Dichloroethane	1,1-Dichloroethane 75-34-3	* 0.059	7.2
U077	1,2-Dichloroethane	1,2-Dichloroethane 107-06-2	* 0.21	* 7.2
U078	1,1-Dichloroethylene	1,1-Dichloroethylene 75-35-4	* 0.025	* 33.
U079	1,2-Dichloroethylene	trans-1,2-Dichloroethylene 156-60-5	* 0.054	33. X
U080	Methylene chloride	Methylene chloride 75-08-2	0.089 Y	33. X
U081	2,4-Dichlorophenol	2,4-Dichlorophenol 120-83-2	0.044 Y	14. X
U082	2,6-Dichlorophenol	2,6-Dichlorophenol 87-65-0	0.044 Y	14. X
U083	1,2-Dichloropropane	1,2-Dichloropropane 78-87-5	0.85 Y	18. X
U084	1,3-Dichloropropane	cis-1,3-Dichloropropane 10061-01-5	0.036 Y	18. X
		trans-1,3-Dichloropropane 10061-02-6	0.036 Y	18. X
U088	Diethyl phthalate	Diethyl phthalate 84-86-2	0.54 X	28. X
U088	Diethyl phthalate	Diethyl phthalate 84-66-2	0.2	28. X

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	Table D	p-Dimethyl-aminazo- benzene	60-11-7	0.13 Y	NA
U093	p-Dimethyl-aminazo- benzene	Table D	60-11-7	0.13 Y	NA
U101	2,4-di- methylphenol	2,4-Dimethyl- phenol	105-67-9	0.036 Y	14. X
U102	Dimethyl phthalate	Dimethyl phthalate	131-11-3	0.047	28. X
U105	2,4-Dinitro- toluene	2,4-Dinitro- toluene	121-14-2	0.32 Y	140. X
U106	2,6-Dinitro- toluene	2,6-Dinitro- toluene	606-20-2	0.55 Y	28. X
U107	Di-n-octyl phthalate	Di-n-octyl phthalate	117-84-0	0.017	28. X
U108	1,4-Dioxane	1,4-Dioxane	123-91-1	0.12 Y	170. X
U111	Di-n-propyl- nitrosoamine	Di-n-propyl- nitrosoamine	621-64-7	0.40 Y	14. X
U112	Ethyl acetate	Ethyl acetate	141-78-6	0.34 Y	33. X
U117	Ethyl ether	Ethyl ether	60-29-7	0.12 Y	160. X
U118	Ethyl methacrylate	Ethyl methacrylate	97-63-2	0.14 Y	160. X
U120	Fluoranthene	Fluoranthene	206-44-0	0.068 Y	8.2 X
U121	Trichloro- monofluoro- methane	Trichloro- monofluoro- methane	75-69-4	0.020 Y	33. X
U127	Hexachloro- benzene	Hexachloro- benzene	118-74-1	0.055 Y	37. X
U128	Hexachloro- butadiene	Hexachloro- butadiene	87-68-3	0.055 Y	28. X
U129	Lindane	alpha-BHC	319-84-6	0.00014	0.066 X
		beta-BHC	319-85-7	0.00014	0.066 X
		gamma-BHC (Lindane)	58-99-9	0.0017	0.066 X
U130	Hexachloro- cyclopenta- diene	Hexachloro- cyclopenta- diene			
U131	Hexachloro- ethane	Hexachloro- ethane			
U134	Hydrogen fluoride	Hydrogen fluoride			
U136	Cacodylic acid	Cacodylic acid			
U137	Indeno-(1,2,3-c,d)-pyrene	Indeno-(1,2,3-c,d)-pyrene			
U138	Iodomethane	Iodomethane			
U140	Isobutyl alcohol	Isobutyl alcohol			
U142	Isosafrole	Isosafrole			
U143	Keptone	Keptone			
U144	Lead acetate	Lead acetate			
U145	Lead phosphate	Lead phosphate			
U146	Lead sub- acetate	Lead sub- acetate			
U151	Mercury	Mercury			
U152	Methacrylo- nitrile	Methacrylo- nitrile			
U155	Metha- pyriene	Metha- pyriene			
U157	3-Methyl- cholanthrene	3-Methyl- cholanthrene			
U158	4,4'-Methyl- chloro-4'- aniline	4,4'-Methyl- chloro-4'- aniline			
U159	Methyl ethyl ketone	Methyl ethyl ketone			
U161	Methyl iso- butyl ketone	Methyl iso- butyl ketone			

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U162	Methyl methacrylate	80-62-6	0.14	160. X	
U165	Naphthalene	91-20-3	0.059 Y	3.1 X	
U168	2-Naphthylamine	91-59-8	0.52 Y	NA	
U169	Nitrobenzene	98-95-3	0.068 Y	14. X	
U170	4-Nitrophenol	100-02-7	0.12 Y	29. X	
U172	N-Nitrosodimethylamine	924-16-3	0.40 Y	17. X	
U174	N-Nitrosodimethylamine	55-18-5	0.40 Y	28. X	
U179	N-Nitrosopiperidine	100-75-4	0.013 Y	35. X	
U180	N-Nitrosopyrrolidine	930-55-2	0.013 Y	35. X	
U181	5-Nitro-2-toluidine	99-55-8	0.32 Y	28. X	
U183	Pentachlorobenzene	608-93-5	0.055 Y	37. X	
U185	Pentachloronitrobenzene	82-68-8	0.055 Y	4.8 X	
U187	Phenacetin	62-44-2	0.081	16. X	
U188	Phenol	108-95-2	0.039	6.2 X	
U190	Phthalic anhydride (measured as phthalic acid)	85-44-9	0.54 X	28. X	
U190	Phthalic anhydride (measured as phthalic acid)	85-44-9	0.069	28. X	
U192	Pronamide	23950-58-5	0.093	1.5 X	
U196	Pyridine	110-86-1	0.014 Y	16. X	
U203	Safrole	94-59-7	0.061	22. X	
U204	Selenium dioxide	7782-49-2	1.0	NA	

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U205	Selenium sulfide	Table A Selenium	7782-49-2	1.0	NA
U207	1,2,4,5-Tetrachlorobenzene	1,2,4,5-Tetrachlorobenzene	95-94-3	0.055 Y	19. X
U208	1,1,1,2-Tetrachloroethane	1,1,1,2-Tetrachloroethane	630-20-6	0.057	42. X
U209	1,1,2,2-Tetrachloroethane	1,1,2,2-Tetrachloroethane	79-34-5	0.057 Y	42. X
U210	Tetrachloroethylene	Tetrachloroethylene	127-18-4	0.056 Y	5.6 X
U211	Carbon tetrachloride	Carbon tetrachloride	56-53-5	0.057 Y	5.6 X
U214	Thallium(I) acetate	Table D Thallium	7440-28-0	0.14 Y	NA
U215	Thallium(I) carbonate	Table D Thallium	7440-28-0	0.14 Y	NA
U216	Thallium(I) chloride	Table D Thallium	7440-28-0	0.14 Y	NA
U217	Thallium(I) nitrate	Table D Thallium	7440-28-0	0.14 Y	NA
U220	Toluene	Toluene	108-88-3	0.080 Y	28. X
U225	Tribromomethane (Bromoform)	Tribromomethane (Bromoform)	75-25-2	0.63 Y	15. X
U226	1,1,1-Tri-chloroethane	1,1,1-Tri-chloroethane	71-55-6	0.054 Y	5.6 X
U227	1,1,2-Tri-chloroethane	1,1,2-Tri-chloroethane	79-00-5	0.054 Y	5.6 X
U228	Trichloroethylene	Trichloroethylene	79-01-6	0.054 Y	5.6 X
U235	tris-(2,3-Dibromopropyl)-phosphate	tris-(2,3-Dibromopropyl)-phosphate	126-72-7	0.025	0.10 X
U239	Xylenes	Xylenes		0.32 Y	28. X
U240	2,4-Dichlorophenoxyacetic acid	2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10. X

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D009	Tables A 7439-87-6 & B	NA	RNERC	Mercury. (High Mercury Subcategory) less than or equal to 260 mg/kg total Mercury--inorganics (including incinerator residues and residues from RNERC))
D012	Table B 72-20-8	BIODG; or INCIN	NA	Endrin
D013	Table B 58-89-9	CARBN; or INCIN	NA	Lindane
D014	Table B 72-43-6	WETOX; or INCIN	NA	Methoxychlor
D015	Table B 8001-35-1	BIODG; or INCIN	NA	Toxaphene
D016	Table B 94-75-7	CHOXD; or BIODG; or INCIN	NA	2,4-D
D017	Table B 93-72-1	CHOXD; or INCIN	NA	2,4,5-TP
F005	Tables A 79-46-9 & B	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Nitropropane
F005	Tables A 110-80-5 & B	BIODG; or INCIN	INCIN	2-Ethoxyethanol
F024	Tables A & B	INCIN	INCIN	-----
K025	NA	LLEXT fb SSTRIP fb CARBN; or INCIN	INCIN	Distillation bottoms from the production of nitrobenzene by the nitration of benzene
K026	NA	INCIN	INCIN	Stripping still tails from the production of methyl ethyl pyridines
K027	NA	CARBN; or INCIN	FSUBS; or INCIN	Centrifuge and wash residues from the production of isocyanate production
K039	NA	CARBN; or INCIN	FSUBS; or INCIN	Filter cake from the filtration of diethyl-amine from the production of phosphate

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K044	NA	DEACT	DEACT	Wastewater treatment sludge from the manufacturing and processing of explosives
K045	NA	DEACT	DEACT	Spent carbon from the treatment of wastewater containing explosives
K047	NA	DEACT	DEACT	Pink/red water from TNT operations
K061	Table B	NA	NLDBR	Emission control dust/sludge from the primary production of steel in electric furnaces (High zinc Subcategory--greater than or equal to 15% total zinc)
K069	Tables A & B	NA	RLEAD	Emission control dust/sludge from secondary lead smelting: Non-Calcium sulfate Subcategory
K106	Tables A & B	NA	RMERC	Wastewater treatment sludge from the mercury cell process in chlorine production: (High Mercury Subcategory--greater than or equal to 260 mg/kg total mercury)
K107	NA	INCIN; or CHOXD fb; CARBN; or BIODG fb CARBN	INCIN	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides
K108	NA	INCIN; or CHOXD fb; CARBN; or BIODG fb CARBN	INCIN	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides
K109	NA	INCIN; or CHOXD fb; CARBN; or BIODG fb CARBN	INCIN	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides

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NA	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	CONDENSED COLUMN SEPARATION INTERMEDIATE SEPARATION FROM THE PRODUCTION OF 1,1-DIMETHYLHYDRAZINE (DMH) FROM CARBOXYLIC ACID HYDRAZIDE	NA	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	REACTOR VENT SCRUBBER WATER FROM THE PRODUCTION OF ETHYLENEBIS- THIOCARBAMIC ACID AND ITS SALTS
K110	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene	NA	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Filtration, evaporation, and centrifugation solids from the production of ethylenebis- thioCARBAMIC ACID AND ITS SALTS
K112	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of toluenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene	NA	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Baghouse dust and floor sweepings in milling and packing operations from the production of ethylenebis- thioCARBAMIC ACID AND ITS SALTS
K113	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene	NA	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Warfarin (>0.3%)
K114	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene	81-81-2	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	1-Acetyl-2-thiourea
K115	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene	591-08-2	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Acrolein
K116	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene	107-02-8	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Allyl alcohol
K117	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene	107-18-6	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Aluminum phosphide
K118	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene	20859-73-8	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	5-Aminoethyl 3- isoxazolo
K119	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene	2763-96-4	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	4-Aminopyridine
K120	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene	504-24-5	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	
K121	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene		INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	
K122	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene		INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	
K123	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene		INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	
K124	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene		INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	
K125	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene		INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	
K126	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene		INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	
P001	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene		INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	
P002	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene		INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	
P003	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene		INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	
P005	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene		INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	
P006	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene		INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	
P007	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene		INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	
P008	INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	Condensed liquid light ends from the purification of tol- uenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene		INCIN, or CHOXD, or CARBN, or BIODG, or CARBN	INCIN.	

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P009	131-74-8	CHOXD; CHED; FSUBS; CH- CARBN; OXD; AMONIUM PICRATE BIODG; or INCN	
P014	108-95-5	(WETOX or CHOXD) fb CARBN; or INCN	Thiophenol (Benzene thiol)
P015	7440-41-7	NA	Beryllium dust
P016	542-88-1	(WETOX or CHOXD) fb CARBN; or INCN	Bis(chloromethyl) ether
P017	598-31-2	(WETOX or CHOXD) fb CARBN; or INCN	Bromoacetone
P018	357-57-3	(WETOX or CHOXD) fb CARBN; or INCN	Brucine
P022	Table B	NA	Carbon disulfide
P023	107-20-0	(WETOX or CHOXD) fb CARBN; or INCN	Chloroacetaldehyde
P026	5344-82-1	(WETOX or CHOXD) fb CARBN; or INCN	1-(o-Chlorophenyl)thio-urea
P027	542-76-7	(WETOX or CHOXD) fb CARBN; or INCN	3-Chloropropionitrile
P028	100-44-7	(WETOX or CHOXD) fb CARBN; or INCN	Benzyl chloride
P031	460-19-5	CHOXD; CHED; or WETOX; or INCN	Cyanogen
P033	506-77-4	CHOXD; WETOX; or INCN	Cyanogen chloride

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P034	131-89-5	(WETOX or CHOXD) fb CARBN; or INCN	2-Cyclohexyl-4,6-di-nitrophenol
P040	297-97-2	CARB; or INCN	FSUBS; or INCN
P041	311-45-5	CARB; or INCN	Diethyl-p-nitrophenyl phosphate
P042	51-43-4	(WETOX or CHOXD) fb CARBN; or INCN	Epinephrine
P043	55-91-4	CARB; or INCN	FSUBS; or INCN
P044	60-51-5	CARB; or INCN	Dimethoate
P045	39196-18-4	(WETOX or CHOXD) fb CARBN; or INCN	Thiofanox
P046	122-09-8	(WETOX or CHOXD) fb CARBN; or INCN	alpha, alpha-Dimethyl-phenethylamine
P047	534-52-1	(WETOX or CHOXD) fb CARBN; or INCN	4,6-Dinitro-o-cresol salts
P049	541-53-7	(WETOX or CHOXD) fb CARBN; or INCN	2,4-Dithiobiuret
P054	151-56-4	(WETOX or CHOXD) fb CARBN; or INCN	Aziridine
P056	Table B	NA	Fluorine
P057	640-19-7	(WETOX or CHOXD) fb CARBN; or INCN	Fluoroacetamide

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P058	62-74-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Fluoroacetic acid, sodium salt	P075	54-11-5*	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Nicotine and salts
P062	757-58-4	CARBN; or INCIN	FSUBS or INCIN	Hexaethyltetraphosphate	P076	10102-43-9	ADGAS	ADGAS	Nitric oxide
P064	624-83-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Isocyanic acid, ethyl ester	P078	10102-44-0	ADGAS	ADGAS	Nitrogen dioxide
P065	Tables A 628-86-4 & B	NA	RMERC	Mercury fulminate: (High Mercury Sub-category--greater than or equal to 260 mg/kg of Mercury Content; incinerator residues or residues from RMERC)	P081	55-63-0	CHOXD; CH- RED; CARBN; or INCIN	FSUBS; CH- CHOXD; or INCIN	Nitroglycerin
P065	Tables A 628-86-4 & B	NA	RMERC	Mercury fulminate: (All nonwastewaters that are not incinerated from RMERC; regardless of Mercury Content)	P082	Table B 65-75-9	NA	INCIN	N-Nitrosodimethylamine
P066	16752-77-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methomyl	P084	4549-40-0	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitrosomethylvinylamine
P067	75-55-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Methylaziridine	P085	152-16-9	CARBN; or INCIN	FSUBS; or INCIN	Octamethylpyrophosphoramide
P068	60-34-4	CHOXD; CH- RED; CARBN; or INCIN	FSUBS; CH- OXD; CHRED; or INCIN	Methyl hydrazine	P087	20816-12-0	NA	RMETH; or RTHRM	Osmium tetroxide
P069	75-86-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methylactonitrile	P088	145-73-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Endothall
P070	116-06-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Aldicarb	P092	Tables A 62-38-4 & B	NA	RMERC	Phenyl mercury acetate: (High Mercury Sub-category--greater than or equal to 260 mg/kg of Mercury Content; incinerator residues or residues from RMERC)
P072	86-88-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1-Naphthyl-2-thiourea	P092	Tables A 62-38-4 & B	NA	IMERC; or RMERC	Phenyl mercury acetate: (All nonwastewaters that are not incinerated from RMERC; regardless of Mercury Content)
					P093	103-85-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Phenylthiourea
					P095	75-44-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Phosgene

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P075	54-11-5*	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Nicotine and salts
P076	10102-43-9	ADGAS	ADGAS	Nitric oxide
P078	10102-44-0	ADGAS	ADGAS	Nitrogen dioxide
P081	55-63-0	CHOXD; CH- RED; CARBN; or INCIN	FSUBS; CH- CHOXD; or INCIN	Nitroglycerin
P082	Table B 65-75-9	NA	INCIN	N-Nitrosodimethylamine
P084	4549-40-0	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitrosomethylvinylamine
P085	152-16-9	CARBN; or INCIN	FSUBS; or INCIN	Octamethylpyrophosphoramide
P087	20816-12-0	NA	RMETH; or RTHRM	Osmium tetroxide
P088	145-73-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Endothall
P092	Tables A 62-38-4 & B	NA	RMERC	Phenyl mercury acetate: (High Mercury Sub-category--greater than or equal to 260 mg/kg of Mercury Content; incinerator residues or residues from RMERC)
P092	Tables A 62-38-4 & B	NA	IMERC; or RMERC	Phenyl mercury acetate: (All nonwastewaters that are not incinerated from RMERC; regardless of Mercury Content)
P093	103-85-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Phenylthiourea
P095	75-44-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Phosgene

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U023	98-07-7	CHOXD; CH- RED; CARGN; or BLOOD; or INCIN	FSUBS; CH- OXD; CHREN; or INCIN	Benzotrichloride
U026	494-03-1	(WETOX or CHOXD) fb CARGN; or INCIN	INCIN	Chlornaphazin
U033	353-50-4	(WETOX or CHOXD) fb CARGN; or INCIN	INCIN	Carbonyl fluoride
U034	75-87-6	(WETOX or CHOXD) fb CARGN; or INCIN	INCIN	Trichloroacetaldehyde (Chloral)
U035	305-03-3	(WETOX or CHOXD) fb CARGN; or INCIN	INCIN	Chlorambucil
U038	Table B	NA	INCIN	Chlorobenzilate
U041	510-15-6 106-89-8	(WETOX or CHOXD) fb CARGN; or INCIN	INCIN	1-Chloro-2,3-epoxy- propane (Epichloro- hydrin)
U042	Table B	NA	INCIN	2-Chloroethyl vinyl ether
U046	107-30-2	(WETOX or CHOXD) fb CARGN; or INCIN	INCIN	Chloromethyl methyl ether
U049	3165-93-3	(WETOX or CHOXD) fb CARGN; or INCIN	INCIN	4-Chloro-o-toluidine hydrochloride
U053	4170-30-3	(WETOX or CHOXD) fb CARGN; or INCIN	FSUBS; or INCIN	Crotonaldehyde
U055	98-82-8	(WETOX or CHOXD) fb CARGN; or INCIN	FSUBS; or INCIN	Cumene

U056	110-82-7	(WETOX or CHOXD) fb CARBN; or INCIN	NA	FSUBS; or INCIN	Cyclohexane
U057	Table B				
U058	108-94-1			FSUBS; or INCIN	Cyclohexanone
U059	50-18-0	CARBN; or INCIN		FSUBS; or INCIN	Cyclophosphamide
U059	20830-81-3	(WETOX or CHOXD) fb CARBN; or INCIN		INCIN	Daunomycin
U062	2303-16-4	(WETOX or CHOXD) fb CARBN; or INCIN		INCIN	Diallylate
U064	189-55-9	(WETOX or CHOXD) fb CARBN; or INCIN		FSUBS; or INCIN	1,2,7,8-Dibenzopyrene
U073	91-94-1	(WETOX or CHOXD) fb CARBN; or INCIN		INCIN	3,3'-Dichlorobenzidine
U074	1476-11-5	(WETOX or CHOXD) fb CARBN; or INCIN		INCIN	cis-1,4-Dichloro-2-butene; trans-1,4-Di-chloro-2-butene
U085	1464-53-5	(WETOX or CHOXD) fb CARBN; or INCIN		FSUBS; or INCIN	1,2:3,4-Diepoxybutane
U086	1615-80-1	CHOXD; CH-RED; CARBN BLOOD; or INCIN		FSUBS; CH-ROD; or INCIN	N,N-Diethylhydrazine
U087	3288-58-2	CARBN; or INCIN		FSUBS; or INCIN	O,O-Diethyl S-methyl-dithiophosphate
U089	56-53-1	(WETOX or CHOXD) fb CARBN; or INCIN		FSUBS; or INCIN	Diethyl stilbestrol
U090	94-58-6	(WETOX or CHOXD) fb CARBN; or INCIN		FSUBS; or INCIN	Dihydrosafole

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U091	119-90-4	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	3,3'-Dimethoxybenzidine
U092	124-40-3	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Dimethylamine
U093	Table B	NA	INCIN	P-Dimethylaminoazo- benzene
U094	57-97-6	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	7,12-Dimethylbenz(a)- anthracene
U095	119-93-7	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	3,3'-Dimethylbenzidine
U096	80-15-9	CHOXD; CH- RED; CAREN BIODG; or INCIN	FSUBS; CH- OXD; CAREN; CHRED; or INCIN	alpha, alpha-Dimethyl- benzyl hydroperoxide
U097	79-44-7	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Dimethylcarbamoyl chlor- ide
U098	57-14-7	GUOXD; CH- RED; CAREN; BIODG; or INCIN	FSUBS; CH- OXD; CAREN; CHRED; or INCIN	1,1-Dimethylhydrazine
U099	540-73-8	GUOXD; CH- RED; CAREN; BIODG; or INCIN	FSUBS; CH- OXD; CAREN; CHRED; or INCIN	1,2-Dimethylhydrazine
U103	77-78-1	GUOXD; CH- RED; CAREN; BIODG; or INCIN	FSUBS; CH- OXD; CAREN; CHRED; or INCIN	Dimethyl sulfate
U109	122-66-7	GUOXD; CH- RED; CAREN; BIODG; or INCIN	FSUBS; CH- OXD; CAREN; CHRED; or INCIN	1,2-Diphenylhydrazine

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U110	142-84-7	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Dipropylamine
U113	140-88-5	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Ethyl acrylate
U114	111-54-6	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Ethylenebisdithio- carbamate acid
U115	75-21-8	(WETOX or CHOXD) fb CAREN; or INCIN	CHOXD; or INCIN	Ethylene oxide
U116	96-45-7	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Ethylene thiourea
U119	62-50-0	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Ethyl methanesulfonate
U122	50-00-0	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Formaldehyde
U123	64-18-6	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Formic acid
U124	110-00-9	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Furan
U125	98-01-1	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Furfural
U126	765-34-4	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Glycidaldehyde

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U132	70-30-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Hexachlorophene	U156	79-22-1	(WETOX or CHOXD) fb CARBN; or INCIN	Methyl chlorocarbonate
U133	302-01-2	CHOXD; CH- RED; CARBN BIODG; or INCIN	FSUBS; CH- OXD; CHRED; or INCIN	Hydrazine	U160	1338-23-4	CHOXD; CH- RED; CARBN BIODG; or INCIN	Methyl ethyl Ketone per- oxide
U134	Table B 7664-39-3	NA	ACGAS fb NEUTR; or NEUTR	Hydrogen Fluoride	U163	70-25-7	(WETOX or CHOXD) fb CARBN; or INCIN	N-Methyl-N'-nitro-N- Nitrosoguanidine
U135	7783-06-4	CHOXD; CH- RED; or INCIN	CHOXD; CH- RED; or INCIN	Hydrogen Sulfide	U164	56-04-2	(WETOX or CHOXD) fb CARBN; or INCIN	Methylthiouracil
U143	303-34-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Lasiocarpine	U166	130-15-4	(WETOX or CHOXD) fb CARBN; or INCIN	1,4-Napthoquinone
U147	108-31-6	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Maleic anhydride	U167	134-32-7	(WETOX or CHOXD) fb CARBN; or INCIN	1-Napthylamine
U148	123-33-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Maleic hydrazide	U168	91-59-8	NA	2-Napthylamine
U149	109-77-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Malononitrile	U171	79-46-9	(WETOX or CHOXD) fb CARBN; or INCIN	2-Nitropropane
U150	148-82-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Melphalan	U173	1116-54-7	(WETOX or CHOXD) fb CARBN; or INCIN	N-Nitroso-diethanolamine
U151	Tables A, 7439-97-6 & B	NA	RMERC	Mercury: (High Mercury Subcategory) 100-200 mg/kg total Mercury)	U176	759-73-9	(WETOX or CHOXD) fb CARBN; or INCIN	N-Nitroso-N-ethylurea
U153	74-93-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methanethiol	U177	684-93-5	(WETOX or CHOXD) fb CARBN; or INCIN	N-Nitroso-N-methylurea
U154	67-56-1	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Methanol	U178	615-53-2	(WETOX or CHOXD) fb CARBN; or INCIN	N-Nitroso-N-methyl- urethane

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U156	79-22-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methyl chlorocarbonate
U160	1338-23-4	CHOXD; CH- RED; CARBN BIODG; or INCIN	FSUBS; CH- OXD; CHRED; or INCIN	Methyl ethyl Ketone per- oxide
U163	70-25-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Methyl-N'-nitro-N- Nitrosoguanidine
U164	56-04-2	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methylthiouracil
U166	130-15-4	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	1,4-Napthoquinone
U167	134-32-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1-Napthylamine
U168	91-59-8	NA	INCIN	2-Napthylamine
U171	79-46-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Nitropropane
U173	1116-54-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitroso-diethanolamine
U176	759-73-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitroso-N-ethylurea
U177	684-93-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitroso-N-methylurea
U178	615-53-2	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitroso-N-methyl- urethane

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U182	123-63-7	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Paraldehyde	U213	109-99-9	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Tetrahydrofuran
U184	76-01-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Pentachloroethane	U214	Table B 563-68-8	NA	RTHM; or STABL	Thallium (I) acetate
U186	504-60-9	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	1,3-Pentadiene	U215	Table B 6533-73-9	NA	RTHM; or STABL	Thallium (I) carbonate
U189	1314-80-3	CHOXD; CH-RED; or INCIN	CHOXD; CH-RED; or INCIN	Phosphorus sulfide	U216	Table B 7791-12-0	NA	RTHM; or STABL	Thallium (I) chloride
U191	109-06-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Picoline	U217	Table B 10102-45-1	NA	RTHM; or STABL	Thallium (I) nitrate
U193	1120-71-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1,3-Propane sultone	U218	62-55-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Thioacetamide
U194	107-10-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	n-Propylamine	U219	62-56-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Thiourea
U197	106-51-4	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	p-Benzoquinone	U221	25376-45-8	CARBEN; or INCIN	FSUBS; or INCIN	Toluenediamine
U200	50-55-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Reserpine	U222	636-21-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	o-Toluidine hydrochloride
U201	108-46-3	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Resorcinol	U223	26471-62-5	CARBEN; or INCIN	FSUBS; or INCIN	Toluene diisocyanate
U202	81-07-2*	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Saccharin and salts	U234	99-35-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	sym-Trinitrobenzene
U206	18883-66-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Streptozotocin	U236	72-57-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Trypan Blue
					U237	66-75-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Uracil mustard
					U238	51-79-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Ethyl carbamate

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U182	123-63-7	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Paraldehyde	U213	109-99-9	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Tetrahydrofuran
U184	76-01-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Pentachloroethane	U214	Table B 563-68-8	NA	RTHM; or STABL	Thallium (I) acetate
U186	504-60-9	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	1,3-Pentadiene	U215	Table B 6533-73-9	NA	RTHM; or STABL	Thallium (I) carbonate
U189	1314-80-3	CHOXD; CH-RED; or INCIN	CHOXD; CH-RED; or INCIN	Phosphorus sulfide	U216	Table B 7791-12-0	NA	RTHM; or STABL	Thallium (I) chloride
U191	109-06-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Picoline	U217	Table B 10102-45-1	NA	RTHM; or STABL	Thallium (I) nitrate
U193	1120-71-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1,3-Propane sultone	U218	62-55-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Thioacetamide
U194	107-10-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	n-Propylamine	U219	62-56-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Thiourea
U197	106-51-4	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	p-Benzoquinone	U221	25376-45-8	CARBEN; or INCIN	FSUBS; or INCIN	Toluenediamine
U200	50-55-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Reserpine	U222	636-21-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	o-Toluidine hydrochloride
U201	108-46-3	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Resorcinol	U223	26471-62-5	CARBEN; or INCIN	FSUBS; or INCIN	Toluene diisocyanate
U202	81-07-2*	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Saccharin and salts	U234	99-35-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	sym-Trinitrobenzene
U206	18883-66-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Streptozotocin	U236	72-57-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Trypan Blue
					U237	66-75-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Uracil mustard
					U238	51-79-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Ethyl carbamate

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U240	94-75-7*	(WETOX or CAREN) or INCIN	2,4-dichlorophenoxy- acetic acid (salts and esters)
U244	137-26-8	(WETOX or CAREN) or INCIN	Thiram
U246	506-68-3	CHOXD; or WETOX; or INCIN	Cyanogen bromide
U248	81-81-2	(WETOX or CHOXD) or CAREN; or INCIN	Warfarin (greater than or equal to 3%)
U249	1314-84-7	CHOXD; CH- RED; or INCIN	Zinc Phosphide (<10%)
U258	95-53-4	INCIN; or CHOXD; or BIODG; or CAREN; or BIODG; or CAREN	o-toluidine
U353	106-49-0	INCIN; or CHOXD; or BIODG; or CAREN; or BIODG; or CAREN	p-toluidine
U359	110-80-5	INCIN; or CHOXD; or BIODG; or CAREN; or BIODG; or CAREN	2-ethoxy-ethanol

* CAS Number given for parent compound only.

** This waste code exists in gaseous form and is not categorized as wastewater or nonwastewater forms.

NA Not Applicable.

BOARD NOTE: When a combination of these technologies (i.e., a treatment train) is specified in this Table, the five letter technology code that must be applied first, then the designation "fb" an abbreviation for "followed by", then the five letter technology code for the technology that must be applied next, and so on. When more than one technology (or treatment train) are specified a alternative treatment standards, the five letter

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technology codes (or the treatment trains) are separated by a semicolon (;) and one of these BOAT technologies or treatment trains can be used for compliance with the standard. See Section 728, Table C for a listing of the technology codes and technology-based treatment standards. Derived from 40 CFR 268.42, Table 2, as adopted at 54 Fed. Reg. 22694, June 1, 1990.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 728, Table F Alternative Treatment Standards For Hazardous Debris

a) Hazardous debris must be treated by either the standards indicated in this table or by the standards specified in the treatment standards table for treatment of the debris. The treatment standards must be met for each type of debris contained in a mixture of debris types, unless the debris is converted into treatment residue as a result of the treatment process. Debris treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

b) Definitions. For the purposes of this Table, the following terms are defined as follows:

"Clean debris surface" means the surface, when viewed with the naked eye, that is not contaminated by residual contaminated soil and hazardous waste except that residual staining from soil and waste consisting of light shadows, light streaks, or minor discolorations, and soil and waste in cracks, crevices, and pits may be present provided that such staining and waste and soil in cracks, crevices, and pits are limited to no more than 5% of each square inch of surface area.

"Contaminant restriction" means that the technology is not BOAT for that contaminant. If debris containing a restricted contaminant is not treated by a technology for which it is not restricted in order to be land disposed (and excluded from Subtitle C regulation).

"Plixin-illigated wastes" means wastes having any of EPA hazardous waste numbers F040, F041, F042, F043, or F047.

c) Notes. In the Table, the following text is to be read in conjunction with the tabulated text where the appropriate notations appear:

1. Acids, solvents, and chemical reagents may react with some debris and contaminants to form hazardous compounds. For example, acid washing of cyanide-contaminated debris could result in the formation of hydrogen cyanide. Some acids may also react violently with some debris and contaminants. Debris and contaminants may be hazardous if they are in contact with debris and contaminants. Debris and contaminants specified in Material Safety Data Sheets for various acids to avoid applying an incompatible acid to a particular debris/contaminant combination. For example,

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concentrated sulfuric acid may react violently with certain organic compounds, such as acrylonitrile.

2. If reducing the particle size of debris to meet the treatment standards results in material that no longer meets the 60 mm minimum particle size limit for debris, such material is subject to the waste-specific treatment standards for the waste contaminating the material, unless the debris is a hazardous waste. If the debris is a hazardous waste, the debris must be treated as a hazardous waste prior to size reduction. At a minimum, simple physical or mechanical means must be used to provide such cleaning and separation of nondebris materials to ensure that the debris surface is free of caked soil, waste, or other nondebris material.

3. Thermal desorption is distinguished from thermal destruction in that the primary purpose of thermal desorption is to volatilize contaminants and to remove them from the treatment chamber for subsequent destruction or other treatment.

4. The demonstration of "equivalent technology" under Section 728.142(B) must document that the technology treats contaminants subject to treatment to a level equivalent to that required by the performance and design and operating standards for other technologies in this part, such that hazardous waste management standards will be met, and a hazard will not be created to human health and the environment absent management controls.

5. Any soil, waste, and other nondebris material that remains on the debris surface or remains mixed with the debris after treatment must be treated as a nondebris material. The debris must be treated free of debris using at a minimum, simple physical or mechanical means. Examples of simple physical or mechanical means are vibratory or trommel screening or water washing. The debris surface need not be cleaned to a "clean debris surface" as defined in subsection (b) above when generating treated debris from a waste stream. The debris surface must be cleaned to the extent that the nondebris material. Treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

Performance or design and
generating standard Contaminant restrictions

Technology description

A. Extraction Technologies.

1. Physical Extraction

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All Debris: None.

Glass, Metal, Plastic, Rubber, treatment to a hazardous waste. Paper, Cloth, Concrete, Brick, Pavement, Rock, Wood: Removal of at least 0.6 cm of the surface layer, treatment to a hazardous waste. Steam debris surfaces.

Same as above

Same as above

a. Abrasive Blasting: Removal of contaminated surface layer using water and/or air pressure to propel a solid media (e.g., steel shot, aluminum oxide grit, plastic beads).

Same as above

Same as above

b. Scarification, Grinding, and Planing: Process utilizing striking piston heads, grinding wheels such that contaminated debris surface layers are removed.

Same as above

Same as above

c. Spalling/Drilling or Chipping: Drilling or appropriate locations and depth in the contaminated debris surface and applying a tool which fractures debris to the sides of those holes such that the surface layer is removed. The surface layer removed remains hazardous debris subject to hazardous debris treatment standards.

Same as above

Same as above

d. Vibratory Finishing: Process utilizing scrubbing media, flushing fluid, and mechanical energy such that hazardous contaminants or contaminated debris surface layers are removed.

Same as above

Same as above

e. High Pressure Steam and Water Sprays: Application of water or steam sprays of sufficient temperature, pressure, and volume, agitation, surfactants, and detergents to remove hazardous contaminants from debris surfaces or to remove contaminated debris surface layers.

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2. Chemical Extraction

a. Water Washing and Spraying: Application of water or other liquid baths of sufficient temperature, pressure, residence time, agitation, surfactants, and/or chemical detergents to remove hazardous contaminants from debris surfaces and surface pores or to remove contaminated debris surface layers.

b. Liquid Phase Solvent Extraction: Application of liquid solvents from debris surfaces and surface pores by applying a nonaqueous liquid or liquid solution which is capable of dissolving contaminants to enter the liquid phase and be flushed away from the debris along with the liquid solvent. Includes washing, rinsing, agitation, temperature and residence time.

3. Thermal Extraction
a. High Temperature Metals Recovery: Application of sufficient heat to melt, mix, or fluxing agents, and/or carbon in a smelting, melting, or refining furnace to separate metals from debris.

All debris: Treatment to remove contaminants from debris surfaces and surface pores. Debris must be no more than 1.2 cm (1/2 inch) in one dimension, i.e., length, width, or height. Debris contaminated with a dioxin-listed waste, an "Equivalent Technology" approval under 35 Ill. Adm. Code 728.142(b), must be obtained.

Same as above, except that brick, cloth, concrete, pavement, rock, wood, and debris must be in contact with water solution for at least 15 minutes.

For refining furnaces, treated debris must be separated from treatment residue by physical or chemical means, and, prior to further treatment, such residuals must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris.

Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Contaminant must be soluble to at least 5% by weight in water solution or 5% by weight in solvent solution. Debris contaminated with a dioxin-listed waste, an "Equivalent Technology" approval under 35 Ill. Adm. Code 728.142(b), must be obtained.

Same as above, except that brick, cloth, concrete, pavement, rock and wood surfaces must be in contact with the organic solvent for at least 60 minutes. Same as above.

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Debris contaminated with a dioxin-listed waste: Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 728.142(b). Treated debris must be separated from treatment residuals using simple physical or mechanical means, and, prior to further treatment, such residuals must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Debris must be no more than 1.2 cm (1/2 inch) in one dimension, i.e., length, width, or height. Debris contaminated with a dioxin-listed waste, an "Equivalent Technology" approval under 35 Ill. Adm. Code 728.142(b), must be obtained.

B. Destruction Technologies:

1. Biological Destruction (Biodegradation): Removal of hazardous contaminants from debris surfaces and surface pores in an aqueous solution and biodegradation of organic or nonmetallic inorganic compounds that contain phosphorus, nitrogen, or sulfur in units operated under either aerobic or anaerobic conditions.

2. Chemical Destruction

All Debris: Metal contaminants.

All Debris: Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 728.142(b). Treated debris must be separated from treatment residuals using simple physical or mechanical means, and, prior to further treatment, such residuals must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Debris must be no more than 1.2 cm (1/2 inch) in one dimension, i.e., length, width, or height. Debris contaminated with a dioxin-listed waste, an "Equivalent Technology" approval

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a. Chemical Oxidation: Chemical or electrolytic oxidation utilizing the following oxidation reagents for waste residuals or combination residuals: (1) hypochlorite (e.g., bleach); (2) chlorine; (3) chlorine dioxide; (4) ozone or UV (ultraviolet light) assisted ozone; (5) hydrogen peroxide; (6) perfluorates; (7) permanganates; and/or (8) other oxidizing reagents of equivalent destruction efficiency. Chemically oxidation specifically includes what is referred to as alkaline chlorination.

b. Chemical Reduction: Utilizing the following reducing reagents for waste residuals or combination of residual: (1) sulfur dioxide; (2) sodium, potassium, or alkali salts of sulfites, bisulfites, and bisulfates; and polyethylene glycols (e.g., NAFS0 and KPEG); (3) sodium hydrosulfide; (4) ferrous salt; and/or (5) other reducing agents of equivalent efficiency.

All Debris: Metal Contaminants:

All Debris: Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 142(b).
Treated debris must be separated from treatment residuals and placed in physical or mechanical means; and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic contaminants in debris contaminating the debris.
Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 12 cm (1/2 inch) in length and 1.25 cm (1/2 inch) in thickness limit, except that this thickness limit may be waived under the "Equivalent Technology" approval.

Same as above

Same as above.

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3. Thermal Destruction: Treatment in an incinerator operating in accordance with 35 Ill. Adm. Code 724 Subpart O or 35 Ill. Adm. Code 265 Subpart O; a boiler or industrial furnace operated in accordance with 35 Ill. Adm. Code 726 Subpart H, or other thermal treatment unit operated in accordance with 35 Ill. Adm. Code 144 Subpart X. Debris must be separated from treatment residuals and placed in physical or mechanical means; and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic contaminants in debris contaminating the debris.

4. Thermal Desorption: Debris contaminated with a dioxin-listed waste. Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 142(b), except that this thickness limit does not apply to vitrification.

5. Encapsulation: Debris contaminated with a dioxin-listed waste. Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 142(b), except that this thickness limit does not apply to vitrification.

6. Immobilization Technologies:
a. Macromacapsulation: Application of surface coatings, such as polymeric organics (e.g., resins and plastics) or use of a jacket of inert inorganic materials to substantially reduce the potential for leachate, other waste, microbeal.

Brick, Concrete, Glass, Metal, Pavement, Rock, Wood: Debris must be no more than 12 cm (1/2 inch) in length and 1.25 cm (1/2 inch) in thickness limit, except that this thickness limit may be waived under the "Equivalent Technology" approval.

7. Encapsulation: Debris contaminated with a dioxin-listed waste. Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 142(b), except that this thickness limit does not apply to vitrification.

8. Encapsulation: Debris contaminated with a dioxin-listed waste. Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 142(b), except that this thickness limit does not apply to vitrification.

9. Encapsulation: Debris contaminated with a dioxin-listed waste. Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 142(b), except that this thickness limit does not apply to vitrification.

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None.
2. Microencapsulation:
Stabilization of the hazardous waste (e.g., sludges, sludges, or waste materials) such that the leachability of the hazardous contaminants is reduced (1) Portland cement or (2) fly ash pozzolans (e.g., fly ash and cement kiln dust), and cements (e.g., iron salts, silicates, and cements) to reduce the leachability of the hazardous constituents.
3. Sealing: Application of an appropriate material which adheres tightly to the debris surface to avoid exposure of the debris to potential leaching media. When necessary to seal the surface, sealing entails pretreatment of the debris to remove foreign matter and to clean and roughen the surface. Sealing materials include epoxy, silicone, and urethane. Sealants should not be used as a sealant

Leachability of the hazardous contaminants must be reduced.

None.

None.

Sealing must avoid exposure of the debris surface to potential leaching media and sealant must be resistant to degradation by the debris and its contaminants and materials into which it may come into contact after placement of the debris and other waste. (microbes).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 728. Table G. Alternative Treatment Standards Based on HWTR

Waste code	See Also	Regulated Hazardous Constituent	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Nonwastewater Concentration (mg/l) TCLP
F006	Tables A & B	Antimony	7440-38-0	2.1	0.055
		Arsenic	440-38-2	7.6	0.014
		Barium	7440-39-3	0.04	0.014
		Beryllium	7440-41-7	0.15	0.014
		Cadmium	7440-43-2	0.15	0.014
		Cerium	7440-47-3	0.33	0.014
		(total)			

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Cyanide (total)	57-12-5	1.8
Lead	7439-92-1	0.37
Mercury	7439-97-6	0.009
Nickel	7440-02-0	5.0
Selenium	7782-49-2	0.16
Silver	7440-22-4	0.30
Thallium		0.078
Zinc	7440-66-6	5.3
Antimony	7440-38-0	2.1
Arsenic	7440-38-2	0.055
Barium	7440-39-3	7.6
Beryllium	7440-41-7	0.014
Cadmium	7440-43-2	0.014
Cerium	7440-47-3	0.33
(total)		
Lead	7439-92-1	0.37
Mercury	7439-97-6	0.009
Nickel	7440-02-0	5.0
Selenium	7782-49-2	0.16
Silver	7440-22-4	0.30
Thallium		0.078
Zinc	7440-66-6	5.3

Tables A & B

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(Source: Added at 17 Ill. Reg. _____, effective _____)

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket #93-4 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State Office Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 2, 1993.

B) Type of small businesses affected:
The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The present amendments may affect those businesses engaged in these activities.

C) Reporting, bookkeeping or other procedures required for compliance:
The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The present amendments may affect these requirements for affected entities.

D) Types of professional skills necessary for compliance:
Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, engineer or other professional. The present amendments may affect these requirements for affected entities.

The full text of the proposed amendments begins on the next page.

1) Heading of the Part: RCRA Permit Program

2) Code Citation: 35 Ill. Adm. Code 703

3) Section Numbers: Proposed Action:

703.155 Amendment
703.181 Amendment
703.280 Amendment
703. Appendix A

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 1114, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].

5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's Proposed Opinion of May 27, 1993, in #93-4, which Opinion is available from the address below. Section 114(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 1114, par. 1022.4) requires that the Board adopt rules that conform to Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USFSA which appeared in the Federal Register during the period July 1 through December 31, 1992.

Specifically, the amendments to Part 703 amend the permit process to address containment buildings and hazardous debris.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

No. 35 Ill. Adm. Code 720.111 is a centralized listing of all incorporations by reference for Parts 721 through 739. References used throughout these Parts are centrally listed in this Section. The present rulemaking amends the incorporations by reference for documents that are incorporated by reference in the existing rules. They further update the edition of all references to the Code of Federal Regulations for use in all Parts wherever they appear.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the transportation, treatment, storage or disposal of hazardous waste.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35, ENVIRONMENTAL PROTECTION

SUBCHAPTER b: PERMITS

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER b: PERMITS

PART 703

RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Scope and Relation to Other Parts

Purpose
References

SUBPART B: PROHIBITIONS

Prohibitions in General

RCRA Permits
Specific Exclusions in Permit Program
Specific Exclusions from Permit Program
Discharges of Hazardous Waste
Resapplications
Initial Applications
Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Purpose and Scope

Permits by Rule
Existing HWF Facilities and Interim Status
Qualifications
Application by New HWF Facilities
Amended Part A Application
Qualifying for Interim Status
Prohibitions During Interim Status
Interim Status Standards
Grounds for Termination of Interim Status
Permits for Less Than an Entire Facility
Closure by Removal
Procedures for Closure Determination

SUBPART D: APPLICATIONS

Applications in General

Contents of Part A
Contents of Part B
Groundwater Protection Information
Facility Location Information
Exposure Information
Solid Waste Management Units
Specific Information
Containers
Tank Systems
Surface Impoundments
Waste Piles

Section
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

March 24, 1987, amended in R96-46 at 11 Ill. Reg. 13543, effective August 4, 1987, amended in R97-11, 13933, effective November 12, 1987, amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective November 16, 1989; amended in R90-11, 15 Ill. Reg. 9610, effective June 17, 1990; amended in R90-11, 15 Ill. Reg. 9611, effective June 17, 1990; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. _____, effective _____.

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.155 Changes During Interim Status

- a) Except as provided in subsection (b), below, the owner or operator of an interim status facility may make the following changes at the facility:

- 1) Treatment, storage or disposal of new hazardous wastes not previously identified in Part A of the permit application and the addition of the units being used to treat, store or dispose of the hazardous wastes on the date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such treatment, storage or disposal;
- 2) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Agency approves the change because:
 - A) There is a lack of available treatment, storage or disposal capacity at other hazardous waste management facilities; or
 - B) The change is necessary to comply with a federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729.
- 3) Changes in the processes for the treatment, storage or disposal of hazardous waste may be made at a facility or addition of processes may be added if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for change) and the Agency approves the change because:
 - A) The change is necessary to prevent a threat to human health or the environment because of an emergency situation; or
 - B) The change is necessary to comply with a federal, State or local requirement, including 35 Ill. Adm.

POLLUTION CONTROL BOARD

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Code 725, 728 or 729;

- 4) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with all requirements until the new owner or operator complies with all requirements until the new owner or operator has demonstrated to the Agency that it is complying with the requirements of that Subpart. The new owner or operator shall demonstrate compliance with the financial assurance requirements within six months after the date of change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency shall notify the old owner or operator in writing that the old owner or operator no longer needs to comply with 35 Ill. Adm. Code 725-Subpart A of the status of the facility. The old owner or operator shall transfer effective immediately upon the date of the change of ownership or operational control of the facility;
 - 5) Changes made in accordance with an interim status corrective action or corrective action plan under 35 Ill. Adm. Code 708(b) in the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought under the Act pursuant to the Environmental Protection Act; USEPA; a court pursuant to the Environmental Protection Act; or the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.
 - 6) Addition of newly regulated units for the treatment, storage or disposal of hazardous waste if the owner or operator submits a revised Part A permit application on or before the date on which the unit becomes subject to the new requirements.
- b) Except as specifically allowed under this subsection, changes listed under subsection (a), above, must not be made if they amount to reconstruction of the HWM facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds 50 percent of the original investment in the HWM facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:
- 1) Changes made solely for the purposes of complying with requirements of 35 Ill. Adm. Code 725-293 for tanks and ancillary equipment.
 - 2) If necessary to comply with federal, State or local requirements, including 35 Ill. Adm. Code 725, 728 or 729, changes to an existing unit, changes solely involving tanks, impoundments, or other structures, that meet the requirements of the statutory standards of Section 35 Ill. Adm. Code 728.139.

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- 3) Changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been removed from the list of hazardous wastes, to the effective date of the rule establishing the new listing or identification.
- 4) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.
- 5) Changes necessary to comply with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought by USEPA; a court pursuant to a judicial action brought by the State of Illinois; or the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.
- 6) Changes to treat or store, in tanks, or containers or containment buildings hazardous wastes subject to land disposal restrictions imposed in 35 Ill. Adm. Code 728, provided that such changes are made solely for the purpose of complying with 35 Ill. Adm. Code 728.
- 7) Addition of newly regulated units under subsection (a)(6), above.

(Board Note: Derived from 40 CFR 270.72 (1990, as amended 56 Fed. Reg. 4206, February 21, 1991) 57 Fed. Reg. 37281, August 18, 1992.)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART D: APPLICATIONS

Section 703.181 Contents of Part A

In addition to the information in 35 Ill. Adm. Code 702.123, Part A of the RCRA application shall include the following information:

- a) The latitude and longitude of the facility;
(BOARD NOTE: Derived from 40 CFR 270.13(b).)
- b) The name, address and telephone number of the owner of the facility;
(BOARD NOTE: Derived from 40 CFR 270.13(e).)
- c) An indication of whether the facility is new or existing and whether it is a first or revised application;
(BOARD NOTE: Derived from 40 CFR 270.13(g).)
- d) For existing facilities, a scale drawing of the facility showing the location of all past, present and future treatment, storage

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- and disposal areas;
(BOARD NOTE: Derived from 40 CFR 270.13(h)(1).)
- e) For existing facilities, photographs of the facility clearly delineating all existing structures; existing treatment, storage and disposal areas; and sites of future treatment, storage and disposal areas;
(BOARD NOTE: Derived from 40 CFR 270.13(h)(2).)
- f) A description of the processes to be used for treating, storing and disposing of hazardous waste, and the design capacity of these items;
(BOARD NOTE: Derived from 40 CFR 270.13(i).)
- g) A specification of the hazardous wastes listed or designated under 35 Ill. Adm. Code 721 to be treated, stored or disposed at the facility, an estimate of the quantity of such wastes to be treated, stored or disposed at the facility, and a general description of the processes to be used for such wastes.
(BOARD NOTE: Derived from 40 CFR 270.13(j).)
- h) For hazardous debris, a description of the debris category(ies) and containment category(ies) to be treated, stored, or disposed of at the facility.
(BOARD NOTE: Derived from 40 CFR 270.13(n).) See 40 CFR 422.241

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 703.183 General Information

The following information is required in the Part B application for all HMM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

- a) A general description of the facility;
Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information which must be included in the RCRA application for the hazardous wastes properly in accordance with 35 Ill. Adm. Code 724.
- c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
- d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
- e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115, and a copy of the RCRA inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(f), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 924.953 and 724.956;

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- f) A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724.224 Subpart C;
- g) A copy of the contingency plan required by 35 Ill. Adm. Code 724.224 Subpart B;

BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.327 and 724.355. 35 Ill. Adm. Code 724.355 has not yet been adopted.

- h) A description of procedures, structures or equipment used at the facility to:

- 1) Prevent hazards in unloading operations (for example, ramps, special forklifts);
- 2) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);
- 3) Prevent contamination of water supplies;
- 4) Mitigate effects of equipment failure and power outages;
- 5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
- 6) Prevent releases to the atmosphere.

- i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive or incompatible wastes as required to demonstrate compliance with 35 Ill. Adm. Code 724.117 including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);

- j) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals);

- k) Facility location information as required by Section 703.184;

- l) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the facility in a safe manner as required to demonstrate compliance with 35 Ill. Adm. Code 724.224. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);

- m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218 and 724.229. Include where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701 and 724.703;

- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219

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have been filed;

- o) The most recent closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.242 and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243; For a new facility, a copy of the initial receipt of hazardous wastes, if it is later than the initial receipt of hazardous wastes, if it is later than the submission of the Part B;

- p) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.244 and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245; For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B;

- q) Where applicable, a copy of the insurance policy or other documentation which complies with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) must be submitted to the Board before the initial receipt of hazardous waste for treatment, storage or disposal. A request for an alternative level of required coverage, for a new or existing facility, may be submitted as specified in 35 Ill. Adm. Code 724.247(c);

- ex) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operation. The map must show the following: 1) If the operation is greater than 1.5 acres (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

- 1) Map scale and date;
- 2) 100-year floodplain area;
- 3) Surface waters including intermittent streams;
- 4) Surrounding land uses (residential, commercial, agricultural, recreational);
- 5) A wind rose (i.e., prevailing windspeed and direction);
- 6) Orientation of the map (north arrow);
- 7) Legal boundaries of the HWM facility site;
- 8) Access control (fences, gates);

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- 9) Injection and withdrawal wells both on-site and off-site;
- 10) Buildings, treatment, storage or disposal operations; or other structures (recreation areas, runoff control systems, access and internal roads, storm, sanitary and process lines, loading and unloading areas, fire control facilities, etc.);
- 11) Barriers for drainage or flood control;
- 12) Location of operational units within the HNW facility site, where waste (as it will be) treated, stored or disposed (include equipment cleanup areas);

BOARD NOTE: For large HNW facilities, the Agency shall allow the use of other scales on a case by case basis.

eg) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued.

et) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Reg. Code 728.105, or if a petition has been approved under 35 Ill. Reg. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required.

BOARD NOTE: Derived from 40 CFR 270.14(b) (1988), as amended at 54 Fed. Reg. 6177 January 9, 1989 57 Fed. Reg. 37781, August 18, 1992.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART G: CHANGES TO PERMITS

Section 703.280 Permit Modification at the Request of the Permittee

- a) Class 1 modifications. See Section 703.281.
- b) Class 2 modifications. See Section 703.282.
- c) Class 3 modifications. See Section 703.283.
- d) Other modifications.

1) In the case of modifications not explicitly listed in Appendix A, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be approved as a Class 1 or 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee shall provide the Agency with the necessary information to support the requested classification.

2) The Agency shall make the determination described in subsection (d)(1), above, as promptly as practicable. In

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determining the appropriate class for a specific modification, the Agency shall consider the similarity of the modification to other modifications codified in Appendix A and the following criteria:

- A) Class 1 modification apply to minor changes that keep the permit structure intact. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the Agency may require prior approval.
- B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to
 - i) Common variations in the types and quantities of the wastes managed under the facility permit,
 - ii) Technological advances, and
 - iii) Changes necessary to comply with new regulations where the changes do not substantially changing design specifications or management practices in the permit.
- C) Class 3 modifications substantially alter the facility or its operation.

e) Temporary authorizations.

1) Upon request of the permittee, the Agency shall, without penalty, grant a temporary authorization in accordance with this subsection. Temporary authorizations have a term of not more than 180 days.

2) Procedures.

- A) The permittee may request a temporary authorization for:
 - i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B), below, and
 - ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i), below; or that meets the criteria in subsection (e)(3)(B)(iii) through (v), below, and provides improved management of the amount of hazardous waste already listed in the facility permit.
- B) The temporary authorization request must include:
 - i) A description of the activities to be conducted under the temporary authorization;

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- ii) An explanation of why the temporary authorization is necessary; and
- iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.
- C) The permittee shall send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.
- 3) The Agency shall approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency shall find:
- A) The authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.
- B) The temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:
- To facilitate timely implementation of closure or corrective action activities;
 - To allow treatment or storage in tanks or restricted waste in accordance with 35 Ill. Adm. Code 728;
 - To prevent disruption of ongoing waste management activities;
 - To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
 - To facilitate other changes to protect human health and the environment.
- 4) A temporary authorization shall be reissued for one additional term of up to 180 days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and.
- A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D), or
- B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification

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- procedures of 35 Ill. Adm. Code 703.283 are conducted.
- f) Public notice and appeals of permit modification decisions.
- 1) The Agency shall notify persons on the facility mailing list and appropriate units of State and local governments of its decision to grant or deny a Class 2 or 3 permit modification request. The Agency shall also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect under Section 703.282(f)(3) or (f)(5).
- 2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.
- 3) An automatic authorization that goes into effect under Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal notwithstanding the provisions of 35 Ill. Adm. Code 705.204.
- g) Newly regulated wastes and units.
- 1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under 35 Ill. Adm. Code 721, or to continue to manage hazardous waste units newly regulated as hazardous waste management units, if:
- The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the listing or identifying the waste, or regulating the unit;
 - The permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;
 - The permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;
 - The permittee also submits a complete Class 2 or 3 modification request under 35 Ill. Adm. Code 705.212, the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards under 35 Ill. Adm. Code 724, 725 or 726; and
 - In the case of land disposal units, the permittee complies with the applicable standards with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste

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management unit. If the owner or operator fails to certify compliance with all these requirements, the owner or operator loses authority to operate under this Section.

- 2) New wastes or units added to a facility's permit under this management unit. If the owner or operator fails to certify compliance with all these requirements, the owner or operator loses authority to operate under this Section.

- h) Permit modification list. The Agency shall maintain a list of all approved permit modifications and shall make it available to the public upon request. The list shall be published in a State-wide newspaper that an updated list is available for review.

Board Note: Derived from 40 CFR 270.42(d) through (h) (1990), as amended at 56 Fed. Reg. 7206, February 21, 1991, and at 56 Fed. Reg. 32686, July 17, 1991.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 703-Appendix A Classification of Permit Modifications

Class Modifications

A. General Permit Provisions

1. Administrative and informational changes.
2. Correction of typographical errors.
3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
4. Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee:
 - 1 a. To provide for more frequent monitoring, reporting or maintenance.
 - 2 b. Other changes.
5. Schedule of compliance:
 - 1* a. Changes in interim compliance dates, with prior approval of the Agency.

BOARD NOTE: "*" indicates that prior Agency approval is required.

- 3 b. Extension of final compliance date.
- 1* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.
- 1* 7. Changes in ownership or operational control of a facility,

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provided the procedures of Section 703.260(b) are followed.

B. General Facility Standards

1. Changes to waste sampling or analysis methods:
 - 1 a. To conform with Agency guidance or Board regulations.
 - 1 b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.
 - 2 c. Other changes.
2. Changes to analytical quality assurance/control plan:
 - 1 a. To conform with Agency guidance or regulations.
 - 2 b. Other changes.
3. Changes in procedures for maintaining the operating record.
4. Changes in frequency or content of inspection schedules.
5. Changes in the training plan:
 - 2 a. That affect the type or decrease the amount of training given to employees.
 - 1 b. Other changes.
6. Contingency plan:
 - 2 a. Changes in emergency procedures (i.e., spill or release response procedures).
 - 1 b. Replacement with functionally equivalent equipment, upgrade or relocate emergency equipment listed.
 - 2 c. Removal of equipment from emergency equipment list.
 - 1 d. Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of new equipment) is made, the permittee must certify that other general facility standards, that change must be reviewed under the same procedures as the permit modification.

7. CQA plan:

- 1 a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.
- 2 b. Other changes.

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C. Groundwater Protection

1. Changes to wells:
 - a. Changes in the number, location, depth or design of permitted monitoring wells of permitted groundwater monitoring system.
 - b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design or depth of the well.
2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
- 1* Changes in statistical procedure for determining whether a statistically significant change in groundwater quality has occurred, with prior approval of the Agency.
- 2* Changes in point of compliance.
5. Changes in indicator parameters, hazardous constituents or concentration limits (including AGLs (Alternate Concentration Limits)):
- 3 a. As specified in the groundwater protection standard.
- 2 b. As specified in the detection monitoring program.
- 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
7. Compliance monitoring program:
 - 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
 - 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
8. Corrective action program:
 - 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(l)(2) and 724.200.
 - 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.
- D. Closure
 1. Changes to the closure plan:
 - 1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during

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- 1* the active life of the facility, with prior approval of the Agency.
- 2 b. Changes in the closure schedule for any unit, changes in the final closure schedule, or changes in the details of the closure period, with prior approval of the Agency.
- 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
- 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 2 f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive hazardous waste under 35 Ill. Adm. Code 724.213(d) or (e).
- 3 Creation of a new landfill unit as part of closure.
- 3 Addition of the following new units to be used temporarily for closure activities:
 - a. Surface impoundments.
 - 3 b. Incinerators.
 - 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
 - 2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
 - 2 e. Tanks or containers (other than specified below).
 - 1* f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.
- E. Post-Closure
 - 1 1. Changes in name, address or phone number of contact in post-closure plan.
 - 2 2. Extension of post-closure care period.
 - 3 3. Reduction in the post-closure care period.
 - 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.

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5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

F. Containers

1. Modification or addition of container units:

- a. Resulting in greater than 25% increase in the facility's tank capacity, except as provided in F(1)(c) and F(4)(a).
- b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of waste codes to the list of hazardous waste codes (F020, F021, F022, F023, F026, F027 and F028).

2.

- a. Modification of a container unit without increasing the capacity of the unit.

- b. Addition of a roof to a container unit without alteration of the containment system.

3. Storage of different wastes in containers, except as provided in F(4):

- a. That require additional or different management practices from those authorized in the permit.
- b. That do not require additional or different management practices from those authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

4. Storage or treatment of different wastes in containers:

- a. That require addition of units or change in treatment process or management standards, provided that the wastes to be treated are not restricted from land disposal, are to be treated to satisfy the standard of the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency.

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practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes to the list of hazardous waste codes (F020, F021, F022, F023, F026, F027 and F028).

That do not require the addition of units or a change in the treatment process or management standards, and that require addition of units or a change in the treatment process or management standards, provided that the wastes of the same type (e.g. incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

G. Tanks

1.

- a. Modification or addition of tank units resulting in increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).

Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).

2.

- a. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.

After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.

1.

- a. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes to the list of hazardous waste codes (F020, F021, F022, F023, F026, F027 and F028).

Modification of a tank unit or secondary containment system without increasing the capacity of the unit.

Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided:

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- a. The capacity difference is no more than 1500 gallons,
- b. The facility's permitted tank capacity is not increased and
- c. The replacement tank meets the same conditions in the permit.

4. Modification of a tank management practice.

5. Management of different wastes in tanks:

- a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit, except as provided in paragraph G(5)(c).
- b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet the same standards as the wastes to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- d. That do not require the addition of units or a change in treatment processes or management standards, and provided that the unit meets the same standards as the wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

H. Surface Impoundments

1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
2. Replacement of a surface impoundment unit.
3. Modification of a surface impoundment unit without

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increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system or leachate collection system.

4. Modification of a surface impoundment management practice.

5. Treatment, storage or disposal of different wastes in surface impoundments:

- a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
- b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323 and 724.326(d).

7. Changes in response action plan:

- a. Increase in action leakage rate.
- b. Change in a specific response reducing its frequency or effectiveness.
- c. Other changes.

I. Enclosed Waste Piles. For all waste piles, except those complying

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with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as modifications to the landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:
 - a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.
 - b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.
2. Modification of waste pile unit without increasing the capacity of the unit.
3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.
4. Modification of a waste pile management practice.
5. Storage or treatment of different wastes in waste piles:
 - a. That require additional or different management practices or different design of the unit.
 - b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

6. Conversion of an enclosed waste pile to a containment building unit.

J. Landfills and Unenclosed Waste Piles

1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.
2. Replacement of a landfill.
3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control or final cover system.
4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control or final cover system.
5. Modification of a landfill management practice.
6. Landfill different wastes:
 - a. That require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.

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That do not require additional or different management practices or different design of the landfill or leachate collection system or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology" that yields the greatest beneficial use of the waste. (40 CFR 268.5(h)(2), 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), Code incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c) and 724.404.

Changes in response action plan:

- a. Increase in action leakage rate.
- b. Change in a specific response reducing its frequency or effectiveness.
- c. Other changes.

Land Treatment

1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
2. Modification of run-on control system.
3. Modify run-off control system.
4. Other modification of land treatment unit component specifications or standards required in permit.
5. Management of different wastes in land treatment units:

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- 3 a. That require a change in permit operating conditions or unit design specifications.
- 2 b. That do not require a change in permit operating conditions or unit design specifications.
- 2 Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
6. Modification of a land treatment unit management practice to:
 - 3 a. Increase rate or change method of waste application.
 - 1 b. Decrease rate of waste application.
- 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
- 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
- 3 10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, number of sampling points or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2 13. Changes in sampling, analysis or statistical procedure.
- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.
- 1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have

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- not show the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
- 2 18. Changes in vegetative cover requirements for closure.
 - L. Incinerators, Boilers and Industrial Furnaces
 - 3 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a metal feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
 - 2 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
 - 3 3. Modification of an incinerator, boiler or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion unit, by adding a primary or secondary combustion unit, by substantially changing the design of the combustion unit, or by adding HCl/Cl₂ metal or particulate from the combustion gases or by changing other features of the incinerator, boiler or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
 - 2 4. Modification of an incinerator, boiler or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which does not require a new trial burn to substantiate compliance with the regulatory performance standards. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.
 5. Operating requirements:
 - a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum

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combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the secondary combustion control system. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3. b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
2. c. Modification of any other operating condition or inspection or recordkeeping requirement specified in the permit.

6. Burning different wastes:

3. a. If the waste contains a POC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standard unless this demonstration can be made through other means.
2. b. If the waste does not contain a POC that is more difficult to burn than authorized by the permit and if burning of the waste requires compliance with different regulatory performance standards than specified in the permit.

BOARD NOTE: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

2. a. Modification of the trial burn plan or any of the conditions in the permit shall require a new trial burn period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.
1. b. Authorization of up to an additional 720 hours of shakedown and trial burn shall require a new trial burn period for determining operational readiness after construction, with the prior approval of the Agency.
1. c. Changes in the operating requirements set in the permit or conducting a trial burn period shall require a new trial burn period for determining operational readiness after construction, with the prior approval of the Agency.

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1. d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.
1. 8. Substitution of an alternate type of nonhazardous waste fuel that is not specified in the permit.

M. Containment Buildings.

1. 1. Modification or addition of containment building units:
 3. a. Resulting in greater than 25% increase in the facility's containment building storage or treatment capacity.
 2. b. Resulting in up to 25% increase in the facility's containment building storage or treatment capacity.
2. 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.
 3. Replacement of a containment building with a containment building that meets the same design standards provided:
 1. a. The unit capacity is not increased.
 1. b. The replacement containment building meets the same conditions in the permit.
 2. 4. Modification of a containment building management practice.
 2. 5. Storage or treatment of different wastes in containment buildings:
 3. a. That require additional or different management practices.
 2. b. That do not require additional or different management practices.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I (1990), amended and revised to read: 40 CFR 270.42, Appendix I (1990), 37281, August 18, 1992.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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- 1) **Heading of the Part:** Standards Applicable to Generators of Hazardous Waste
- 2) **Code Citation:** 35 Ill. Adm. Code 722
- 3) **Section Numbers:** Proposed Action:
722.134 Amendment
- 4) **Statutory Authority:** Ill. Rev. Stat. 1991, ch. 1114, para. 1022-4 and 10227 [415 ILCS 5/22.4 and 5/27].

5) **A Complete Description of the Subjects and Issues Involved:**

A more detailed description is contained in the Board's Proposed Opinion of May 27, 1993, in 893-4, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 1114, par. 1022-4(a) [415 ILCS 5/22.4(a)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1992.

Specifically, the amendment to Part 722 adds a requirement that a professional engineer certify that the containment building meets the design standards given at proposed new section 35 Ill. Adm. Code 725.1101.

- 6) **Will this proposed rule replace an emergency rule currently in effect?** No.

- 7) **Does this rulemaking contain an automatic repeal date?** No.

- 8) **Do these proposed amendments contain incorporations by reference?**

No. 35 Ill. Adm. Code 720.111 is a centralized listing of all incorporations by reference for Parts 721 through 739. References used throughout these Parts are centrally listed in this Section. The present rulemaking amends the incorporations by reference for documents incorporated for the purposes of Parts 721, 724, 725, 726 and 739. They are updated to reflect amendments to the Code of Federal Regulations for use in all Parts wherever they appear.

- 9) **Are there any other amendments pending on this Part?** No.

- 10) **Statement of Statewide Policy Objectives:**

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

- 11) **Time, Place and Manner in which interested persons may comment on this**

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Proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket 893-4 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) **Initial Regulatory Flexibility Analysis:**

- A) **Date rule was submitted to the Small Business Offices of the Department of Commerce and Community Affairs:** June 2, 1993.

- B) **Types of small businesses affected:**

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store, or dispose of hazardous waste. Amendments may affect those businesses engaged in these activities.

- C) **Reporting, bookkeeping or other procedures required for compliance:**

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The present amendments may affect these requirements for affected entities.

- D) **Types of professional skills necessary for compliance:**

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The present amendments may affect these requirements for affected entities.

The full text of the proposed amendments begins on the next page!

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TITLE 35: ENVIRONMENTAL PROTECTION

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722

STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Purpose, Scope and Applicability
Hazardous Waste Determination
USEPA Identification Numbers

SUBPART B: THE MANIFEST

General Requirements
Acquisition of Manifests
Use of the Manifest

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Packaging
Labeling
Marking
Placarding
Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Recordkeeping
Annual Reporting
Exception Reporting
Additional Reporting
Special Requirements
Diagrams per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Applicability
General Requirements
Notification of Intent to Export
Special Manifest Requirements
Exception Report
Annual Reports
Recordkeeping

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Imports of Hazardous Waste

SUBPART G: FARMERS

Farmers

722. Appendix A Hazardous Waste Manifest

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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 1114, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27]).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 5 PCB 317, at 7 Ill. Reg. 2518, effective February 22, 1986; amended in R83-12, 9 PCB 317, at 8 Ill. Reg. 1350, effective January 2, 1986; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 1987; amended in R87-39 at 11 Ill. Reg. 19429, effective December 27, 1988; amended in R88-13 at 11 Ill. Reg. 18523, effective November 13, 1989; amended in R89-1 at 13 Ill. Reg. 16653, effective September 25, 1990; amended in R90-10 at 14 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. effective

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.134 Accumulation Time

a) Except as provided in subsections (d), (e) or (f), below, a generator is exempt from all the requirements in 35 Ill. Adm. Code 725.21, Subparts C and H, except for 35 Ill. Adm. Code 725.21(a), and 725.21(b)(1) through (3) if the generator is not a hazardous waste handler or less without a permit or without having interim status, provided that:

1) The waste is placed:

- In containers and the generator complies with 35 Ill. Adm. Code 725.21 Subpart I; or
- In tanks and the generator complies with 35 Ill. Adm. Code 725.21 Subpart J except 35 Ill. Adm. Code 725.21(c) and 725.21(d); or
- On drip pads and the generator complies with 35 Ill. Adm. Code 725.21 Subpart W and maintains the following records at the facility:

- A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
- Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal. 722.134

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D1) In contingency buildings and the generator complies with 35 Ill. Adm. Code 725.116 and 725.117, subpart 1D, than placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record no later than 60 days after the date of the PE certification. The PE certification shall be maintained in the facility's records until 1993. The PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

1) A written description of procedures to ensure that the generator complies with the design standards no more than 90 days after the date of the PE certification for the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are compiled within 60 days.

2) Documentation that the unit is emptied at least once every 90 days.

BOARD NOTE: The "in addition" language in subpart 1D, which appears in the Federal rules after 40 CFR 262.34(a)(1)(iv)(B) is in the introduction to subpart (a), above.

- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
- 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste", and
- 4) The generator complies with the requirements for owners or operators in 35 Ill. Adm. Code 725.116 and 725.107(a)(4).

b) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 725.116 and 725.107(a)(4). The generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may obtain an extension of up to 30 days by means of a generator's notification, pursuant to Section 37 of the Environmental Protection Act.

c) Accumulation near point of generation.

- 1) A generator may accumulate as much as 55 gallons of hazardous waste on-site, provided that the waste is stored in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes are initially accumulated, which is under the control of the operator of the process generating the waste, without a permit or

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interim status and without complying with subsection (a), above, provided the generator:

- A) Complies with 35 Ill. Adm. Code 725.271, 725.272 and 725.273(a); and
 - B) Marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
- 2) A generator who accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 725.116 and 725.117, subpart 1D, shall be considered an operator if (a) it stores at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a), above, or other applicable provisions of this chapter. During the three day period the generator must continue to comply with subsection (c)(1), (c)(2), and (c)(3), above, and (d) it must not exceed the excess accumulation of hazardous waste with the date the excess amount began accumulating.

d) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate the waste on-site without a permit or without having interim status provided that:

- 1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;
- 2) The generator complies with the requirements of 35 Ill. Adm. Code 725.116 and 725.107(a)(4); and
- 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;

4) The generator complies with the requirements of subsections (a)(2) and (3), above, of 35 Ill. Adm. Code 725.116 and of 35 Ill. Adm. Code 728.107(a)(4); and

5) The generator complies with the following requirements:

- A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures for the generator's waste management system (D) below. The employee is the emergency coordinator.

B) The generator shall post the following information next to the telephone:

- i) The name and telephone number of the emergency coordinator;
- ii) Location of fire extinguishers and spill control

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- material, and if present, fire alarm: and
- iii) The telephone number of the fire department, unless the facility has a direct alarm.
- C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies:
- D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:
- i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher:
- ii) In the event of a spill, contain the flow of hazardous waste to the extent possible and remove it from the facility. Notify the National Response Center (using its 24-hour toll free number 800/424-8802). The report must include the following information: the name and address of the generator, the date and time of the incident (e.g., spill or fire); quantity and type of hazardous waste involved in the incident; extent of injuries, if any; and, estimated quantity and disposition of recoverable materials, if any.
- iii) In the event of a fire, explosion or other release which could threaten human health or the safety of the facility or the environment, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800/424-8802). The report must include the following information: the name and address of the generator, the date and time of the incident (e.g., spill or fire); quantity and type of hazardous waste involved in the incident; extent of injuries, if any; and, estimated quantity and disposition of recoverable materials, if any.
- e) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal, shall obtain a permit under Section 270.05 of the Act, less without a permit or without having interim status provided that the generator complies with the requirements of subsection (d), above.
- f) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more) shall obtain a permit under Section 270.05 of the Act, less without a permit or without having interim status provided that the generator complies with the requirements of subsection (d), above.

been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary and uncontrollable circumstances, the generator shall file a written report with the Department of Environmental Protection within 30 days of the end of the variance or provisional variance pursuant to Section 37 of the Environmental Protection Act.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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1) **Heading of the Part:** Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) **Code Citation:** 35 Ill. Adm. Code 724

3) **Section Numbers:**

Section Number	Proposed Action:
724.101	Amendment
724.102	Amendment
724.210, 724.211, 724.212	Amendment
724.210, 724.211, 724.212	Amendment
724.240, 724.242, 724.243	Amendment
724.245, 724.247, 724.251	Amendment
724.434, 724.416, 724.670	Amendment
724.671, 724.672, 724.673	Amendment
724.1100, 724.1101, 724.1102	New Section

4) **Statutory Authority:** Ill. Rev. Stat. 1991, ch. 1114, pars. 1022.4 and 1027 (415 ILCS 5/22.4 and 5/27).

5) **A Complete Description of the Subjects and Issues Involved:**

A more detailed description is contained in the Board's Proposed Opinion of May 27, 1993, in R93-4, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 1114, par. 1022.4(a)) [415 ILCS 5/22.4(a)] provides that this rulemaking is not subject to Section 5 of the App. if it is not subject to first notice or to second notice review by JCPR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USFPA which appeared in the Federal Register during the period July 1 through December 31, 1992.

Specifically, the amendments to Part 724 amend the standards for owners or operators of hazardous waste management facilities. The amendments apply sections 724.216 through 724.220, new closure and post-closure regulations, and under some circumstances, landfill regulations to regulations, and under some circumstances, landfill regulations to revisions to the financial assurance and liability provisions for closure and post closure. An extensive amendment concerning nonbiodegradable sorbents is added. In this action, the Board proposes to lift stays which had previously governed some F032, F034 and F035 provisions. In addition to the termination of the stays, these amendments also delete the stays which had previously governed the documentation of drip pads, in addition new sections 724.1100 through 724.1102 are added to regulate containment buildings. The new containment building provisions involve several situations where the Board has had to make the determination whether the amendments call for Board agency or USFPA action. Of particular interest are sections 724.1101 and 724.1102. The amendments to sections 724.1101 and 724.1102 involve the Agency's power to seal a hazardous waste operating unit under Section 34 of the Act. The Board has come to this unusual determination because the amendments give the regulating entity only the power to remove a unit from operation. The Board has also determined that 724.1101(c) involves permit condition determination even though the amendments do not require the Board to determine whether the unit has adjusted standard on the State level. Moreover, the Board has determined that the corresponding section in 725.1101 calls for an

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adjusted standard, thereby creating somewhat of a procedural inconsistency. In addition, it is unclear whether 724.1101(b) creates any enforcement responsibilities at the State level.

6) **Will this proposed rule replace an emergency rule currently in effect? No.**

7) **Does this rulemaking contain an automatic repeal date? No.**

8) **Do these proposed amendments contain incorporations by reference?**

No. 35 Ill. Adm. Code 720.111 is a centralized listing of all incorporations by reference for Parts 721 through 739. References used throughout these Parts are centrally listed in this section for documents present rulemaking for the purpose of Parts 721, 724, 725, 726 and 739. They further update the edition of all references to the Code of Federal Regulations for use in all Parts wherever they appear.

9) **Are there any other amendments pending on this Part? No.**

10) **Statement of Statewide Policy Objectives:**

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking supports the objectives of local government, transportation, treatment, storage or disposal of hazardous waste.

11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:**

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R93-4 and be addressed to:

Ms. Dorothy W. Gump, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) **Initial Regulatory Flexibility Analysis:**

A) **Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:** June 2, 1993.

B) **Type of small businesses affected:**

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The present amendments may affect those businesses engaged in these activities.

C) **Reporting, bookkeeping or other procedures required for compliance:**

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The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The present amendments may affect these requirements for affected entities.

D) Area of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, physicist, biologist, or other professional. These amendments may affect these requirements for affected entities.

The full text of the proposed amendments begins on the next page.

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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Security
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Emergency Procedures
General Requirements for Ignitable, Reactive or Incompatible Wastes
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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 $\frac{1}{2}$, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27]).

[illegible]

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope and Applicability

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- a) The purpose of this Part is to establish minimum standards which define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities which treat, store or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act included in 35 Ill. Adm. Code 703.1141. Only to the extent they are included in a RCRA permit by rule granted to such person, the requirements of this Part apply to such person. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.

BOARD NOTE: This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

- d) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act and to the extent they are required by 35 Ill. Adm. Code 704, Subpart F.
- e) **BOARD NOTE:** This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground. The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) which treats, stores or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.

- f) The requirements of this Part do not apply to:

- 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste which is treated, stored or disposed of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.120.

- 2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) and (3) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726, Subparts C, D, F, or G, 35 Ill.

- 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134.

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- 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
 - 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
 - 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110;
 - 7) Immediate response:
 - a) Except as provided in subsection (f) (8) (B), a person engaged in treatment or containment activities during immediate response to any of the following situations:
 - i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of hazardous waste;
 - iii) A discharge of a material which, when discharged, becomes a hazardous waste.
 - b) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.
 - c) Any person who is covered by subsection (f) (8) (A) and who continues or initiates hazardous waste treatment or containment activities must comply with all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703 and 705 for those activities. Or,
 - d) A transporter storing manifested shipments of hazardous waste at a treatment or containment facility for 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
 - e) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of a liquid to a container (as defined in 35 Ill. Adm. Code 720) to prevent a spill or leak to occur at the time waste is first placed in the container; and Sections 724.117(b), 724.271 and 724.272 are complied with.
 - f) This Part applies to owners and operators of facilities which treat, store or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.
- (Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART B: GENERAL FACILITY STANDARDS

Section 724.113 General Waste Analysis

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a) Analysis:

- 1) Before an owner or operator treats, stores or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information contained in subsection (a) above. The owner or operator shall dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.
- 2) The analysis may include data developed under 35 Ill. Adm. Code 721, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

BOARD NOTE: For example, the facility's records of analyses performed on the waste before the effective date of these regulations, or studies conducted on hazardous waste generated by the facility, may be included in the data to be managed at the facility, may be included in the data base required to comply with subsection (a)(1) above. The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1) above, 728.107(b) and (c). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

- A) When the owner or operator is notified or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), has changed; and
- B) For off-site facilities, when the results of the analysis indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.
- 4) The owner or operator of an off-site facility shall inspect a representative sample of the waste received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.
- b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which it will carry out to comply with subsection (a) above. The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:

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- 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) above).
- 2) The test methods which will be used to test for these parameters.
- 3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
 - A) One of the sampling methods described in 35 Ill. Adm. Code 721-Appendix A; or
 - B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.121 for related discussion.

- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date.
- 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.
- 6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117, 724.414, 724.441, 724.934(d) and 724.963(d), and 35 Ill. Adm. Code 728.107. And,

- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:

- A) The sampling of impoundment contents;
- B) The analysis of test data; and,
- C) The annual removal of residues which are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste, and either:
 - i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728-Subpart D; or
 - ii) Where no treatment standards have been established: Such residues are prohibited from being land disposed under 35 Ill. Adm. Code 728.131 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).

- c) For off-site facilities, the waste analysis plan required in,

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subsection (b) above must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

- 1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and
- 2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

BOARD NOTE: 35 Ill. Adm. Code 703, requires that the waste analysis plan be submitted with Part B of the permit application.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART G: CLOSURE AND POST-CLOSURE

Section 724.210 Applicability

Except as Section 724.101 provides otherwise:

- a) Section 724.211 through 724.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and
- b) Sections 724.216 through 724.220 (which concern post-closure care) apply to the owners and operators of:

- 1) All hazardous waste disposal facilities; and/or
- 2) Waste piles and surface impoundments from which the owner or operator has determined that the maximum extent of the post-closure operations which will be used to meet the requirements for landfills; or
- 3) Tank systems which are required under Section 724.297 to meet the requirements for landfills; or

4) Containment buildings that are required under Section 724.1102 to meet the requirements for landfills.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 724.211 Closure Performance Standard

The owner or operator shall close the facility in a manner that:

- a) Minimizes the need for further maintenance; and

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- b) Controls, minimizes or eliminates, to the extent necessary to protect to human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off or hazardous decomposition products to the ground or surface waters or to the atmosphere; and

- c) Complies with the closure requirements of this Part including, but not limited to, the requirements of Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.701 through 724.703, and 724.1102.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 724.212 Closure Plan; Amendment of Plan

- a) Written Plan.

1) The owner or operator of a hazardous waste management facility shall have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by Sections 724.328(c)(1)(A) and 724.358(c)(1)(A) to have with their final closure plans, the plan must be submitted to the Agency in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved closure plan will become a condition of any RCRA permit.

2) The Agency's approval of the plan must ensure that the approved closure plan is consistent with Sections 724.211 through 724.215 and the applicable requirements of Sections 724.190 et seq., 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.1102. Until final closure is completed and certified in accordance with Sections 724.1102 and 724.1105, the approved plan and approved revisions must be furnished to the Agency upon request, including requests by mail.

- b) Content of plan. The plan must identify steps necessary to perform partial or final closure of the facility and to maintain during its active life. The closure plan must include, at least:

- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 724.211;
- 2) A description of how final closure of the facility will be conducted in accordance with Section 724.211. The description must identify the maximum extent of the operations which will be unclosed during the active life of the facility; and

- 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not

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- limited to, methods for removing, transporting, treating, storing or disposing of all hazardous wastes, and identification of the type(s) of off-site hazardous waste management units to be used, if applicable; and
- 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated contaminant system components, equipment, structures and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils and criteria for determining the extent of decontamination required to satisfy the closure performance standard; and
 - 5) A detailed description of other activities necessary during partial and final closure to satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and
 - 6) A schedule for closure of each hazardous waste management unit, including, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, activities during the time required to close the unit, such as the hazardous waste inventory and of the time required to place a final cover must be included.)
 - 7) For facilities that use trust funds to establish financial assurance, the schedule for the payment of the trust funds selected to close prior to the expiration of the permit, an estimate of the expected year of final closure.
- c) Amendment of the plan. The owner or operator shall submit a written notification of or request for a permit modification to amend the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702, 703 and 705. The written notification or request must include a copy of the amended closure plan for review or approval by the Agency.
- 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.
 - 2) The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:
 - A) Changes in operating plans or facility design affect the closure plan; or
 - B) There is a change in the expected year of closure, if

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- applicable, or
- c) In conducting partial or final closure activities, unexpected events require modification of the approved closure plan.
- 3) The owner or operator shall submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed changes in the facility design or operation, or no later than 30 days after the unexpected event has occurred, which may include the closure plan. If the owner or operator requests modification during the partial or final closure period, the owner or operator shall request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove hazardous waste from the impoundment or pile must be required to prepare a contingent closure plan under Sections 724.328(c)(1)(A) or 724.358(c)(1)(A), shall submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines that the hazardous waste management unit must be closed as a result of the unexpected event. The Agency shall approve the plan no later than 30 days after that date if the determination is made during partial or final closure. The Agency shall approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.20, the amended closure plan will become a condition of any RCRA permit issued.
 - 4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator shall submit a written request for a permit modification to the Agency's request or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705.
 - d) Notification of partial closure and final closure.
 - 1) The owner or operator shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a facility, or the date on which the owner or operator expects to begin closure of a facility with such a unit. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage as the intended management of the waste. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.
 - 2) The date when the owner or operator "expects to begin closure" must be either:
 - a) The date when the owner or operator "expects to begin closure" must be either:

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A) No later than 30 days after the date on which any hazardous waste management unit receives the known hazardous waste, the owner or operator shall make a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit receives hazardous waste and the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with the requirements of Section 724.247, the Board shall approve an extension to this one-year limit. Or,

B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the hazardous waste, the owner or operator shall make a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator of a hazardous waste management unit receives hazardous waste and the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Board shall approve an extension to this one-year limit.

3) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or Board order to cease receiving hazardous wastes or to close, then the owner or operator shall close the facility in accordance with the deadlines established in Section 724.213.

e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this section shall preclude the owner or operator from removing hazardous wastes from the facility or from the equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART H: FINANCIAL REQUIREMENTS

Section 724.240 Applicability

a) The requirements of Sections 724.242, 724.243 and 724.247 through 724.251 apply to owners and operators of all hazardous waste

facilities, except as provided otherwise in this Section or in Section 724.101.

b) The requirements of Sections 724.244 and 724.245 apply only to owners and operators of:

- 1) Disposal facilities; and/or
- 2) Piles and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that these Sections are made applicable to such facilities in Sections 724.328 and 724.358; and/or
- 3) Tank systems which are required under Section 724.297 to meet the requirements for landfills; or
- 4) Containment buildings that are required under Section 724.102 to meet the requirements for landfills.

c) States and Federal government are exempt from the requirements of this Subpart.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 724.242 Cost Estimate for Closure

a) The owner or operator shall have detailed a written estimate, in current dollars, of the cost of closing facility in accordance with the requirements in Sections 724.211 through 724.215 and applicable closure requirements in Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.701 through 724.703, and 724.102.

1) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see Section 724.212(b)); and

2) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in Section 724.1(d)) If the owner or operator of a facility demonstrates that on-site disposal capacity will exist at all times over the life of the facility.

3) The closure cost estimate must not incorporate any salvage value that may be realized with the sale of hazardous wastes or equipment. The estimate shall include the cost of Section 724.213(d), facility structures or equipment, land or other assets associated with the facility at the time of partial or final closure hazardous wastes that might have economic value.

4) The owner or operator shall not incorporate a zero cost for hazardous wastes, or non-hazardous wastes if applicable

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under Section 724.213(d), that might have economic value.

- b) During the active life of the facility, the owner or operator shall submit to the Agency a closure cost estimate for each anniversary day prior to the anniversary date of the establishment of the financial instrument(s) used to comply with Section 724.243. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation at least 60 days before the anniversary date of the trust agreement to which the instrument(s) are subject. For owners and operators using the adjusted cost estimate, the closure cost estimate must be updated for inflation as specified in Section 724.243(f)(3). The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce, Bureau of Economic Analysis. The inflation factor specified in subsections (b)(1) and (b)(2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.
- 1) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the latest adjusted closure cost estimate.
- 2) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.
- c) During the active life of the facility the owner or operator shall revise the closure cost estimate no later than 30 days after the Agency has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in Section 724.242(b).
- d) The owner or operator shall keep the following at the facility during the operating life of the facility: The latest closure cost estimate prepared in accordance with Sections 724.242(a) and (c) and, the latest closure cost estimate has been adjusted in accordance with Section 724.242(b), the latest adjusted closure cost estimate.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 724.243 Financial Assurance For Closure

An owner or operator of each facility shall establish financial assurance for closure of the facility. The owner or operator shall choose from the options as specified in subsections (a) through (f).

- a) Closure trust fund.
 - 1) An owner or operator may satisfy the requirements of this Section by establishing a closure trust fund which conforms to the requirements of this subsection and submitting an original signed duplicate of the trust agreement to the Agency at least 60 days before the anniversary date of the trust agreement to which the instrument(s) are subject. The original signed duplicate of the trust agreement to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.

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The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

- 2) The wording of the trust agreement must be as specified in Section 724.251 and the trust agreement must be accompanied by a formal certification of acknowledgment (as specified in Section 724.251). Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current closure cost estimate covered by the agreement.
- 3) Payments into the trust fund must be made annually by the owner or operator over the term of the initial RCRA permit or over the remaining operating life of the facility as specified in the trust agreement. The trust fund must be maintained in a separate trust account. The period of time for this period is hereafter referred to as the "pay-in period." The payments into the closure trust fund must be made as follows:

- A) For a new facility, the first payment must be made at least equal to the current closure cost estimate, less treatment, storage or disposal. A receipt from the trustee for this payment must be submitted by the owner or operator to the Agency before this initial receipt of hazardous waste. The first payment must be at least equal to the current closure cost estimate, less treatment, storage or disposal. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

$$\text{Next payment} = (\text{CE} - \text{CV}) / Y$$

where CE is the current closure cost estimate, CV is the current value of the trust fund and Y is the number of years remaining in the pay-in period.

- B) If an owner or operator establishes a trust fund as specified in 35 Ill. Adm. Code 725.243(a) and the value of that trust fund is less than the current closure cost estimate when a permit is awarded for the facility, the owner or operator must submit the estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in subsection (a)(3). Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to 35 Ill. Adm. Code 725.243(a). The amount of each payment must be determined by this formula:

$$\text{Next payment} = (\text{CE} - \text{CV}) / Y$$

where CE is the current closure cost estimate, CV is the current value of the trust fund and Y is the number of years remaining in the pay-in period.

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- 4) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current closure cost estimate at the time the fund is established. However, at the option of the trustee, the fund would have, if annual payments were made as specified in subsection (a)(3).
- 5) If the owner or operator establishes a closure trust fund after having used one or more alternate mechanisms specified in subsection (a)(1), the trustee shall require that the trust fund contain at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this subsection and 35 Ill. Adm. Code 725.243, as applicable.
- 6) After the pay-in period is completed, whenever the current closure cost estimate changes, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, shall deposit the difference into the trust fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified in this Section to cover the difference.
- 7) If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate.
- 8) If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, it may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate covered by the trust fund.
- 9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsections (a)(7) or (8), the Agency shall instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.
- 10) After beginning partial or final closure, an owner or operator or another person authorized to conduct partial or final closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursement for partial closure expenditures by submitting itemized bills to the trust fund to cover the making good of closure facility over its remaining operating life. Within 60 days after receiving bills for partial or final closure activities, the Agency shall instruct the trustee to make reimbursement in those amounts as the Agency specifies in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure

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- plan, or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, it shall withhold reimbursement of amounts with respect to the closure activities until the occurrence of the subsection (i) that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the Agency does not instruct the trustee to make such reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.
- 11) The Agency shall agree to termination of the trust when:
 - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).
 - b) Surety bond guaranteeing payment into a closure trust fund.
 - 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting the bond to the Agency. An owner or operator of a new facility shall submit the bond to the Agency at least 60 days before the facility commences operations. The bond shall be used for treatment, storage or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.
 - 2) The wording of the surety bond must be as specified in Section 724.251.
 - 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section shall submit the bond to the Agency. The bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a) except that:
 - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
 - B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
 - i) Payments into the trust fund as specified in subsection (a);
 - ii) Updating of Schedule A of the trust agreement

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(see 40 CFR 264.151(a)) to show current closure cost estimates;

- iii) Annual valuations as required by the trust agreement; and
- iv) Notices of nonpayment as required by the trust agreement.

4) The bond must guarantee that the owner or operator will:

- A) Fund the standby trust fund in an amount equal to the amount of the bond, plus the beginning of final closure of the facility; or
- B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin final closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or
- C) Provide alternate financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate, except as provided in subsection (g).

7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance from the Agency sufficient to meet the increased cost. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidence by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial assurance as specified in this Section.

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c) Surety bond guaranteeing performance of closure.

- 1) An owner or operator may satisfy the requirements of this by obtaining a surety bond which conforms to the requirements of this subsection and submitting the bond to the Agency. An owner or operator of a new facility shall obtain a surety bond before the facility is placed in service. Data on which hazardous waste is first received for treatment, storage or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 370 of the U.S. Department of the Treasury.

2) The wording of the surety bond must be as specified in Section 724.251.

3) The owner or operator who uses a surety bond to satisfy the requirements of this subsection shall obtain the following from the trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust must meet the requirements specified in subsection (a), except that:

- A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
- B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
 - i) Payments into the trust fund as specified in subsection (a);
 - ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current closure cost estimates;
 - iii) Annual valuations as required by the trust agreement; and
 - iv) Notices of nonpayment as required by the trust agreement.

4) The bond must guarantee that the owner or operator will:

- A) Perform final closure in accordance with the closure plan and other requirements of the permit for the facility whenever required to do so; or
- B) Provide alternate financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

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- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a final judicial determination of Board order finding that the owner has failed to perform as guaranteed by the bond, the owner, in accordance with the approved closure plan and other permit requirements when required to do so, under the terms of the bond the surety will perform final closure as guaranteed by the bond or will deposit the amount of the penal sum into the standby trust fund.
- 6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate.
- 7) Whenever the current closure cost estimate increases to an amount greater than the current closure cost estimate within 60 days after the increase, the owner shall cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance as specified in this Section. Whenever the current closure cost estimate increases, the penal sum must be reduced to the amount of the current closure cost estimate following written approval by the Agency.

- 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator. Cancellation shall not be effective until it occurs, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

- 9) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency shall provide such written consent when:

- A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
- B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

- 10) The surety shall not be liable for deficiencies in the performance of the bond if the Agency, by written notice, releases the owner or operator from the requirements of this Section in accordance with subsection (i).

d) Closure letter of credit.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection and submitting the letter to the Agency. An owner or operator of a new facility shall submit the letter of credit to the Agency at least 8 days before the date on which hazardous waste is first received for treatment, storage or disposal.

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The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency.

- 2) The wording of the letter of credit must be as specified in Section 724.251.

- 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section shall maintain a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a), except that:

- A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and

- B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations.

- i) Payments into the trust fund as specified in subsection (a);
- ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current closure cost estimates;
- iii) Annual valuations as required by the trust agreement; and
- iv) Notices of nonpayment as required by the trust agreement.

- 4) The letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the EPA Identification Number, name and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.

- 5) The letter of credit must be irrevocable and issued for a period of at least 1 year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least 1 year unless, at least 120 days before the current expiration date, the issuing institution has received written notice from the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

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- 6) The letter of credit must be issued in an amount at least equal to the current closure cost estimate, except as provided in subsection (9).
- 7) Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, shall either increase the current closure cost estimate and submit at least equals the current closure cost estimate and submit at least equals of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
- 8) Following a final judicial determination or Board order finding that the owner or operator has failed to perform final closure in accordance with the closure plan and other provisions of this Section, the Agency may, at its discretion, require the owner or operator to do so, the Agency may draw on the letter of credit.
- 9) If the owner or operator does not establish alternate financial assurance as specified in this Section and obtain written approval by the Agency to do so, the Agency may draw on the letter of credit within 90 days after the date of the Agency's decision. The Agency and the Agency of a notice from issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency shall draw on the letter of credit. The Agency may delay the drawing if the issuing institution, within 30 days of the expiration of the term of the credit, shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this Section and obtain written approval of such assurance from the Agency.

- 10) The Agency shall return the letter of credit to the issuing institution for termination when:

- A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
- B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (1).

e) Closure insurance.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining closure insurance which conforms to the requirements of this subsection and submitting a certificate of such insurance to the Agency. An owner or operator of a facility shall obtain a certificate of insurance from the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the

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insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

- 2) The wording of the certificate of insurance must be as specified in Section 724.251.
- 3) The closure insurance policy must be issued for a face amount as less than or equal to the current closure cost estimate, except as provided in subsection (9). The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.
- 4) The closure insurance policy must guarantee that funds will be available to close the facility whenever final closure occurs. The policy must also guarantee that, once final closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, to the Agency to cover the Agency to such party or parties as the Agency specifies.
- 5) After beginning partial or final closure, an owner or operator or any other person authorized to conduct closure may request reimbursement for closure expenditures by submitting a detailed accounting of such expenditures. The operator may request reimbursements for partial closure only if the remaining value of the policy is sufficient to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for closure activities, the Agency shall instruct the insurer to reimburse the Agency for the amount of the bills. The Agency, in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility is less than the greater than the face amount of the policy, it shall withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with subsection (1), that the owner or operator is no longer required to maintain financial assurance for closure of the facility. If the Agency determines that the maximum cost of closure exceeds the face amount of the policy, the Agency shall withhold reimbursements. The Agency shall provide the owner or operator with a detailed written statement of reasons.
- 6) The owner or operator shall maintain the policy in full force and effect until the Agency consents to termination of the policy. The Agency shall not consent to termination of subsection (e)(10). Failure to pay the premium, without substitution of alternate financial assurance as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may determine. The Agency shall not consent to termination of a violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon

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the date of expiration.

- 7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.
- 8) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal. The insurer may not cancel, terminate or fail to renew the policy for failure to pay the premium. The insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice of cancellation by the owner or operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:
 - A) The Agency deems the facility abandoned; or
 - B) The permit is terminated or revoked or a new permit is denied; or
 - C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; or
 - D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy); or
 - E) The premium due is paid.

9) Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, shall either equalize the face amount of the policy with the current estimate of the current closure cost estimate, and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

10) The Agency shall give written consent to the owner or operator that it may terminate the insurance policy when:

- A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
- B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (1).

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f) Financial test and corporate guarantee for closure.

- 1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test as specified in this subsection. To pass this test the owner or operator must meet the criteria of either subsection (f)(1)(A) or (f)(1)(B):
 - A) The owner or operator shall have:
 - i) Two of the following three ratios: a ratio of current assets to current liabilities greater than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and
 - ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates; and the current plugging and abandonment cost estimates; and
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates; and the current plugging and abandonment cost estimates.
 - B) The owner or operator shall have:
 - i) A current rating for its most recent bond issued by a rating agency for bonds issued by Standard and Poor's or Aaa, Aa, Aa, A or Baa as issued by Moody's; and
 - ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates; and the current plugging and abandonment cost estimates; and
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.
- 2) The phrase "current closure and post-closure cost estimates" as used in subsection (f)(1) refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner's or operator's chief financial officer (40 CFR 264.151(f)) (incorporated by reference in Section 724.251). The phrase "current plugging and abandonment cost estimates"

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as used in subsection (f)(1), refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner's or operator's chief financial officer (40 CFR 144.70(f)), incorporated by reference in 35 Ill. Adm. Code 704.240).

- 3) To demonstrate that it meets this test, the owner or operator shall submit the following items to the Agency:
 - A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251; and
 - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and
 - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
 - i) The accountant has compared the data which the owner or operator has submitted to the Agency with the data specified as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility shall submit the items specified in subsection (f)(3) to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.
- 5) After the initial submission of items specified in subsection (f)(3), the owner or operator shall submit updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3).
- 6) If the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator shall notify the Agency of intent to establish alternate financial assurance as specified in this section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator shall provide the alternate financial assurance within 120 days after the end of such fiscal year.
- 7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (f)(1), require reports of financial condition at

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any time from the owner or operator in addition to those specified in subsection (f)(3). If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of such a finding.

- 8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(9)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of the disallowance.
- 9) The owner or operator is no longer required to submit the items specified in subsection (f)(3) when:
 - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (1).
- 10) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee." The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of a firm whose parent corporation is also the owner's or operator's "substantial business relationship" with the owner or operator. The guarantor shall meet the requirements for owners or operators in subsections (f)(1) through (f)(8), shall comply with the terms of the corporate guarantee and the working 94.244 corporate guarantee may be as specified in subsection (f)(3). The owner or operator must obtain a guarantee must accompany the items sent to the Agency as specified in subsection (f)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the guarantor must obtain a written guarantee from the guarantor's chief financial officer. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship," and the value received in consideration of the relationship, and the terms of the corporate guarantee must provide that:
 - A) If the owner or operator fails to perform final closure of a facility covered by the corporate guarantee in accordance with the closure plan and other permit requirements whenever required to do so,

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the guarantor will do so or establish a trust fund as specified in subsection (a) in the name of the owner or operator.

- B) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation to the Pollution Control Board. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
- C) If the owner or operator fails to provide alternate financial assurance as approved in this Section and obtain the written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the Pollution Control Board, the owner will be required to provide alternative financial assurance in the name of the owner or operator.

g) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing one or more financial mechanisms for the facility. The mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in subsections (a), (b), (d) and (e), respectively, except that it is the combination of mechanisms, rather than the separate mechanisms, that must be approved by the Agency. The amount at least equal to the current closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, it may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may may be all of the mechanisms to provide for closure of the facility.

h) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. The mechanism must be approved by the Agency and must include a list showing, for each facility, the EPA Identification Number, name, address and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established for each facility. The mechanism must be approved by the Agency to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for closure of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

i) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and an independent registered professional

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engineer that final approved closure has been accomplished in accordance with the closure plan, the Agency shall notify the owner or operator in writing that it is no longer required by this Section to maintain financial assurance for closure of the facility, unless the Agency determines that closure has not been accomplished in accordance with the approved closure plan. In accordance with the approved detailed statement of estimate of any such determination that closure has not been in accordance with the approved closure plan.

j) Appeal. The following Agency actions are deemed to be permit modifications or decisions for purposes of appeal to the Board (35 Ill. Ann. Code 702.184(e)(3)).

- 1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit or insurance;
- 2) Requiring alternate assurance upon a finding that an owner or operator or parent corporation, no longer meets a financial test.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 724.245 Financial Assurance For Post-Closure Care

An owner or operator of a hazardous waste management unit subject to the requirements of Section 724.244 shall establish financial assurance for post-closure care in accordance with the approved post-closure plan for the facility 60 days prior to the initial receipt of hazardous waste or the receipt of the first permit for the facility. The owner or operator shall choose from the following options:

a) Post-closure trust fund.

- 1) An owner or operator may satisfy the requirements of this subsection by establishing a trust fund in accordance with the requirements of this subsection and submitting an original, signed duplicate of the trust agreement to the Agency. An owner or operator of a new facility shall submit the original, signed duplicate of the trust agreement to the Agency at least 60 days before the date of receipt of the first permit for the facility. The trust agreement shall be approved by the Agency. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

- 2) The wording of the trust agreement must be as specified in Section 724.246 and the Agency shall receive a formal certification of acknowledgment (as specified in Section 724.251). Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current post-closure cost estimate covered by the agreement.

- 3) Payments into the trust fund must be made annually by the owner or operator over the term of the initial RCRA permit or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period."

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The payments into the post-closure trust fund must be made as follows:

- A) For a new facility, the first payment must be made before the initial receipt of hazardous waste for disposal. The initial receipt of hazardous waste must be submitted by the owner or operator to the Agency before this initial receipt of hazardous waste. The first payment must be at least equal to the current post-closure cost estimate, except as provided in subsection (9), divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

$$\text{Next payment} = (CE - CV) / Y$$

where CE is the current post-closure cost estimate, CV is the current value of the trust fund and Y is the number of years remaining in the pay-in period.

- B) If an owner or operator establishes a trust fund as specified in 35 Ill. Adm. Code 725.245, the value of that trust fund is less than the current post-closure cost estimate when a permit is awarded for the facility, the amount of the current post-closure cost estimate still to be paid into the trust fund (the "pay-in period") over the pay-in period as defined in subsection (a)(3) of this Section must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to 35 Ill. Adm. Code 725. The amount of each payment must be determined by this formula:

$$\text{Next payment} = (CE - CV) / Y$$

where CE is the current post-closure cost estimate, CV is the current value of the trust fund and Y is the number of years remaining in the pay-in period.

- 4) The owner or operator may accelerate payments into the trust fund and owner or operator shall maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3).
- 5) If the owner or operator establishes a post-closure trust fund after having used one or more alternate mechanisms specified in this Section or in 35 Ill. Adm. Code 725.245, its first payment must be in at least the amount that the trust fund would have had if the trust fund were established initially as specified in this Section according to the specifications of this subsection and 35 Ill. Adm. Code 725.245, as applicable.
- 6) After the pay-in period is completed, whenever the current post-closure cost estimate changes during the operating life of the facility, the owner or operator shall compare the new

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estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current post-closure cost estimate, or the owner or operator shall obtain an assurance as specified in this Section to cover the difference.

- 7) During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate.
- 8) If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, it may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.
- 9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsections (a)(7) or (8), the Agency shall instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.
- 10) During the period of post-closure care, the Agency shall approve a release of funds if the owner or operator demonstrates to the Agency that the value of the trust fund exceeds the remaining cost of post-closure care.
- 11) An owner or operator or any other person authorized to execute the trust agreement may submit a request for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency shall instruct the trustee to make requirements in those amounts as the Agency specifies in writing if the Agency determines that the post-closure care expenditures are necessary for the approved post-closure plan or otherwise justified. If the Agency does not instruct the trustee to make such reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.
- 12) The Agency shall agree to termination of the trust when:
- An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (1).
- b) Surety bond guaranteeing payment into a post-closure trust fund.

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- 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting the bond to the Agency. An owner or operator of a new facility shall obtain a surety bond for the hazardous waste before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.
- 2) The wording of the surety bond must be as specified in Section 724.251.
- 3) The owner or operator who uses a surety bond to satisfy the requirements of this subsection shall establish a standby trust fund. Under the terms of the bond all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a), except that:
 - A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
 - B) Until the standby trust fund is funded pursuant to the requirements of this subsection, the following are not required by these regulations:
 - i) Payments into the trust fund as specified in subsection (a);
 - ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;
 - iii) Annual valuations as required by the trust agreement; and
 - iv) Notices of nonpayment as required by the trust agreement.
- 4) The bond must guarantee that the owner or operator will:
 - A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or
 - B) Fund the standby trust fund in an amount equal to the amount of the bond within 90 days after the initial closure is effected by the Agency or the U.S. District court or other court of competent jurisdiction; or
 - C) Provide alternate financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after

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- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.
- 6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (g).
- 7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate or obtain evidence of financial assurance to the Agency or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.
- 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by the Agency, the owner or operator and the Agency, as evidence by the return receipts.
- 9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial assurance as specified in this Section.
- C) Surety bond guaranteeing performance of post-closure care.
 - 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting the bond to the Agency. An owner or operator of a new facility shall submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.
 - 2) The wording of the surety bond must be as specified in Section 724.251.
 - 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the

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Agency. This standby trust must meet the requirements specified in subsection (a), except that:

- A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
- B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
 - i) Payments into the trust fund as specified in subsection (a);
 - ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;
 - iii) Annual valuations as required by the trust agreement; and
 - iv) Notices of nonpayment as required by the trust agreement.

4) The bond must guarantee that the owner or operator will:

- A) Perform final post-closure care in accordance with the requirements of the permit and other requirements of the permit for the facility; or
- B) Provide alternate financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided within 60 days of receipt of the permit. The Agency shall provide the owner or operator with notice of cancellation of the bond from the surety.

5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following final approval of the bond by the Agency, the Agency shall require that the owner or operator has failed to perform post-closure care in accordance with the approved post-closure plan and other permit requirements, under the terms of the bond the surety will perform post-closure care in accordance with the approved post-closure plan. The Agency shall require that the owner or operator will deposit the amount of the penal sum into the standby trust fund.

6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate.

7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum during the operating life of the facility, the owner or operator, within 60 days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current cost estimate or submit to the Agency the audit evidence of such increase to the Agency, or obtain other financial assurance

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as specified in this Section. Whenever the current closure cost estimate decreases during the operating life of the facility, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

8) During the period of post-closure care, the Agency shall approve a decrease in the penal sum if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.

9) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, until the Agency has received the return receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

10) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency shall provide such written consent when:

- A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
- B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

11) The surety will not be liable for deficiencies in the performance of post-closure care if the owner or operator from the requirements of this Section in accordance with subsection (i).

d) Post-closure letter of credit.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection and submitting the letter to the Agency. An owner or operator of a new facility shall submit the letter of credit to the Agency. The letter of credit shall be submitted to the Agency as first received for disposal. The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency.

2) The wording of the letter of credit must be as specified in Section 724.251.

3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency

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will be deposited by the issuing institution directly into the standby trust fund established by the Agency from the current post-closure cost estimate. This standby trust fund must meet the requirements of the trust fund specified in subsection (a), except that:

- A) An original, signed duplicate of the trust agreement shall be submitted to the Agency with the letter of credit; and
- B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:
 - i) Payments into the trust fund as specified in subsection (a);
 - ii) Updating of Schedule A of the trust agreement (as specified in Section 74.15) to show current post-closure cost estimates;
 - iii) Annual valuations as required by the trust agreement; and
 - iv) Notices of nonpayment as required by the trust agreement.

4) The letter or credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: (a) the name of the owner or operator; (b) the name of the facility; and the amount of funds assured for post-closure care of the facility by the letter of credit.

5) The letter of credit must be irrevocable and issued for a period of not less than 120 days before the expiration date. The expiration date will be automatically extended for a period of at least 1 year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. The expiration date shall be extended 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

6) The letter of credit must be issued in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (g).

7) Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, the Agency, or the insurance company shall cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other

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financial assurance as specified in this Section to cover the current post-closure cost estimate. The current post-closure cost estimate decreases during the operating life of the facility, the amount of the credit may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

- 8) During the period of post-closure care, the Agency shall approve a decrease in the amount of the letter of credit if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.
- 9) Following a final judicial determination or Board order finding that the owner or operator has failed to perform post-closure care in accordance with the approved post-closure plan and other permit requirements, the Agency may draw on the letter of credit.

10) If the owner or operator does not establish alternate financial assurance as specified in this Section and obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency may draw the drawing of the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this Section and obtain written approval of such assurance from the Agency.

11) The Agency shall return the letter of credit to the issuing institution for termination when:

- A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
- B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

e) Post-closure insurance.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining post-closure insurance which conforms to the requirements of this subsection and submitting a certificate of insurance to the Agency. The owner or operator of a new facility shall submit the certificate of insurance to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The insurance must be effective before this initial receipt of hazardous waste. At minimum, the insurer shall be a member of the Illinois Insurance Guaranty Fund, a company eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

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- 2) The wording of the certificate of insurance must be as specified in Section 724.251.
- 3) The post-closure insurance policy must be issued for a face amount at least equal to the current post-closure cost estimate, except as provided in subsection (g). The term "insured" shall mean the owner or operator, and the insured shall be obligated to pay the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.
- 4) The post-closure insurance policy must guarantee that funds will be available to provide post-closure care of facility whenever the post-closure period begins. The policy must also guarantee that, once post-closure care begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies.
- 5) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. If the Agency determines that the bills for post-closure activities, the Agency shall instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency determines that the post-closure care expenditures are not in accordance with the approved post-closure plan or otherwise justified, such reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.
- 6) The owner or operator shall maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator specified in subsection (e)(11). Failure to pay the premium, without substitution of alternate financial assurance as specified in this section, will constitute a significant violation of these regulations, warranting such remedy as the Board may determine. If the Agency determines that a significant violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.
- 7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.
- 8) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel,

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- terminates or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. The Agency may not occur the termination, cancellation or failure to renew the policy and the policy will remain in full force and effect in the event that on or before the date of expiration:

 - A) The Agency deems the facility abandoned; or
 - B) The permit is terminated or revoked or a new permit is denied; or
 - C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; or
 - D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy); or
 - E) The premium due is paid.

- 9) Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the life of the facility, the owner or operator, within 60 days after the increase, shall either cause the face amount to be increased to an amount at least equal to the current estimate or the owner or operator shall cause the face amount to be increased to an amount at least equal to the current estimate as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.
- 10) Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer shall thereafter annually increase the face amount of the policy. Such increase must be equivalent to the amount of the current post-closure cost estimate. The face amount shall be increased by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities.
- 11) The Agency shall give written consent to the owner or operator that the owner or operator may terminate the insurance policy when:
 - A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).
- f) Financial test and corporate guarantee for post-closure care.

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- 1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test as specified in this subsection. To pass this test the owner shall meet the criteria of either subsection (f)(1)(A) or (f)(1)(B):

A) The owner or operator shall have:

- i) Two of the following three ratios: a ratio of the owner's net worth to the sum of its current assets or at least 2.0; a ratio of the owner's net worth to the sum of its current liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and
- ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
- iii) Tangible net worth of at least \$10 million; and
- iv) Assets in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

B) The owner or operator shall have:

- i) A current rating for its most recent bond issued by Standard and Poor's or A, Aa, Aa, A or Baa as issued by Moody's; and
- ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
- iii) Tangible net worth of at least \$10 million; and
- iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

- 2) The phrase "current closure and post-closure cost estimates" as used in subsection (f)(1) refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner's or operator's chief financial officer (40 CFR 264.151(f)) (incorporated by reference in Section 724.251). The phrase "current plugging and abandonment cost estimates" as used in subsection (f)(1) refers to the cost estimates required to be shown in subsections 1-4 of the letter from

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the owner's or operator's chief financial officer (40 CFR 144.70(f)), incorporated by reference in 35 Ill. Adm. Code 704.240.

- 3) To demonstrate that it meets this test, the owner or operator shall submit the following items to the Agency:
 - A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251; and
 - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and
 - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
 - i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independent certified public accountant's audit with the data for the latest fiscal year with the amounts in such financial statements; and
 - ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility shall submit the items specified in subsection (f)(3) to the Agency at least 60 days before the date on which hazardous waste is first received for disposal.
- 5) After the initial submission of items specified in subsection (f)(3), the owner or operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3).
- 6) If the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator shall send notice to the Agency of intent to establish alternate financial assurance as specified in this Section. The notice must be submitted to the Agency at least 90 days before the close of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements of subsection (f)(1). The owner or operator shall provide the alternate financial assurance within 120 days after the end of such fiscal year.
- 7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (f)(1), require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (f)(3). If the Agency finds, on the

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- basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of such a finding.
- 8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statement. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of the disallowance.
- 9) During the period of post-closure care, the Agency shall approve a decrease in the current post-closure cost estimate for which this test demonstrates financial assurance if the owner or operator demonstrates to the Agency that the amount of the cost estimate exceeds the remaining cost of post-closure care.
- 10) The owner or operator is no longer required to submit the items specified in subsection (f)(3) when:
- An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).
- 11) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee." The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor shall meet the requirements for owners or operators in subsections (f)(1) through (f)(9), and shall comply with the terms of the corporate guarantee. The terms of the corporate guarantee must be included in Section 724.25. The parent corporation of the corporate guarantee must accompany the items sent to the Agency as specified in subsection (f)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the relationship between the guarantor and the owner or operator. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, the letter must describe this "substantial business relationship" and the value received in consideration of the relationship. The terms of the corporate guarantee must provide that:

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- If the owner or operator fails to perform post-closure care of a facility covered by the corporate guarantee in accordance with the post-closure care and the owner or operator fails to provide alternate financial assurance, the guarantor will do so or establish a trust fund as specified in subsection (a) in the name of the owner or operator.
- The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
- If the owner or operator fails to provide alternate financial assurance as specified in this Section and obtain the written approval of such alternate assurance from the Agency within 30 days of receipt of notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternate financial assurance in the name of the owner or operator.
- Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in subsection (f)(3). The mechanisms must be established in separate trust funds, and the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current post-closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, it may use the same trust fund for the entire post-closure care period. The single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for post-closure care of the facility.
- Use of a financial mechanism for multiple facilities. An owner or operator may satisfy the requirements of this Section by establishing one financial mechanism for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the EPA Identification Number, name, address and the amount of funds for post-closure care assured by the mechanism. The amount of funds that would be available if a separate mechanism had been established and maintained for each facility. The amount of funds available to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available to the Agency for post-closure care of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under

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the mechanism.

- 1) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that the post-closure care period has been completed for a hazardous waste disposal unit in accordance with the approved plan, the Agency shall notify the owner or operator that it is no longer required to provide post-closure care for that unit. If the owner or operator fails to provide post-closure care of that unit unless the Agency determines that post-closure care has not been in accordance with the approved post-closure plan. The Agency shall provide the owner or operator with a detailed written statement of any such determination that post-closure care has not been in accordance with the approved post-closure plan.
- 3) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):

- 1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit or insurance;
- 2) Requiring alternate assurance upon a finding that an owner or operator, or parent corporation, no longer meets a financial test.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 724.247 Liability Requirements

- a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall demonstrate financial responsibility for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated as specified in subsections (a)(1), (2), (3), (4), (5) or (6) below:
- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this subsection.
 - A) Each insurance policy must be amended by attachment of a "Pollution Liability Insurance Endorsement" or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in Section 724.251. The wording of the certificate of insurance must be as specified in Section 724.251. This owner or operator shall submit a signed duplicate copy of the policy and certificate of insurance to the Agency. The owner or operator shall provide a signed duplicate copy of the policy and certificate of insurance to the Agency, if requested by the Agency, the owner or operator shall provide a signed duplicate

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original of the insurance policy. An owner or operator of a new facility shall submit the signed original of the insurance policy to the Agency, the Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

- B) Each insurance policy must be issued by an insurer which is licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage as specified in subsections (f) and (g) below.
- 3) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (h) below.
- 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i) below.
- 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in subsection (j) below.
- 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial test is amended or changed to cover the entire liability coverage requirement of the guarantor. The amounts of the financial test and the guarantee must be at least the minimum coverage demonstrated total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection, the owner or operator shall specify the amount of each assurance as "primary" coverage and shall specify other such assurance as "excess" coverage.

- 7) An owner or operator shall notify the Agency within 30 days whenever:
 - A) Whenever a claim for bodily injury or property damage caused by the operation of a hazardous waste treatment, storage or disposal facility is made against the owner or operator or an instrument providing financial assurance for liability coverage under this section or
 - B) Whenever the amount of financial assurance for

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liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) above to reduced.

A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (a)(1) through (a)(6) above.

B) A certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under subsections (a)(1) through (a)(6) above.

C) A final court order establishing a judgement for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage under subsections (a)(1) through (a)(6) above.

b) Coverage for non-sudden accidental occurrences. An owner or operator of a surface impoundment, landfill, land treatment facility or disposal miscellaneous unit which is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by non-sudden accidental occurrences arising from the operation of such facilities. The owner or operator shall have and maintain liability coverage for non-sudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. An owner or operator seeking the requirement of this Section must demonstrate that the required coverage is legal for sudden and non-sudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and non-sudden accidental occurrences into a single annual aggregate level. Owners or operators who combine coverage levels for sudden and non-sudden accidental occurrences shall demonstrate that the aggregate in the amount of at least \$4 million per occurrence and \$8 million annual aggregate. This liability coverage may be demonstrated as specified in subsections (b)(1), (2), (3), (4), (5) or (6) below:

1) An owner or operator may demonstrate the required liability insurance by having liability insurance as specified in this subsection.

A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or the Hazardous Waste Facility Liability Endorsement. The wording of the endorsement must be as specified in Section 724.251. The wording of the certificate of insurance must be as specified in Section 724.251.

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The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency, if requested by the Agency, and include the duplicate original of the insurance policy. An owner or operator of a new facility shall submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 30 days before the date of the initial receipt of the hazardous waste treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

B) Each insurance policy must be issued by an insurer which is licensed by the Illinois Department of Insurance.

2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee fund, as specified in subsections (f) and (g) below.

3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in subsection (h) below.

4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i) below.

5) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (j) below.

6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee fund, or letter of credit, surety bond and fund, provided that the owner or operator must combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of amounts required by this Section shall be the same as the amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection, the owner or operator shall specify at least one such assurance as "primary" coverage, and shall specify other such assurance as "excess" coverage.

7) An owner or operator shall notify the Agency within 30 days whenever:

A) Whenever a claim for bodily injury or property damage caused by the operation of a hazardous waste treatment, storage or disposal facility is made against the owner or operator or an instrument

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providing financial assurance for liability coverage under this Section--or

- B4) Whereas the amount of financial assurance for liability coverage authorized by subsections (a) through (c)(1)-(c)(6) above is reduced,
- A1) A claim results in a reduction in the amount of financial assurance or liability coverage provided by subsection (a) through (b)(1) through (b)(6) above.
- B1) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a facility is entered between the owner or operator and a third-party claimant for liability coverage under subsections (b)(1) through (b)(6) above; or
- C1) A final court order establishing a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage under subsections (b)(1) through (b)(6) above.
- C) Request for adjusted level of required liability coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by subsections (a) or (b) above are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted to the Agency as part of the application under 35 Ill. Adm. Code 705.128 for a permit modification under 35 Ill. Adm. Code 705.128 for a facility that has a permit. If granted, the modification will take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the treatment, storage or disposal at the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b) above. Any request for an adjusted level of required liability coverage shall be treated as a request for a permit modification under 35 Ill. Adm. Code 703.271(e)(3) and 705.128.
- d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (a) or (b) above are not consistent with the degree and duration of risk

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associated with treatment, storage or disposal at the facility or group of facilities, the Agency shall adjust the level of financial responsibility required by subsection (a) or (b) above as may be necessary to protect human health and the environment. This adjusted level must be based on the Agency's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that non-sudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill or land treatment facility, the Agency may require that an owner or operator of the facility comply with subsection (b) above. An owner or operator shall furnish to the Agency, within 30 days after the Agency requests information which the Agency requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under 35 Ill. Adm. Code 703.271(e)(3) and 705.128.

- e) Period of coverage. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency shall notify the owner or operator of the period of coverage. The owner or operator shall maintain this Section to maintain liability coverage for that facility, unless the Agency determines that closure has not been in accordance with the approved closure plan.

f) Financial test for liability coverage.

- 1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test as specified in this subsection. To pass this test the owner or operator shall meet the criteria of subsection (f)(1)(A) or (B) below:
- The owner or operator shall have:
 - Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and
 - Tangible net worth of at least \$10 million; and
 - Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
 - The owner or operator shall have:
 - A current rating for its most recent bond issuance of Aaa, Aa, A or Baa as assigned by Moody's; or Aaa, Aa, A or Baa as issued by Moody's; and

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- ii) Tangible net worth of at least \$10 million; and
 - iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and
 - iv) Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
- 2) The phrase "amount of liability coverage" as used in subsection (f)(3) above shall mean the aggregate amounts for which coverage is required under subsections (a) and (b) above.
- 3) To demonstrate that it meets this test, the owner or operator shall submit the following three items to the Agency:
- A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251. If an owner or operator is using the financial test to demonstrate both assurance for 724.243(f) and 724.245(f), and 35 Ill. Adm. Code 725.243(e) and 725.245(e), and liability coverage, it shall submit the letter specified in Section 724.251 to cover both forms of financial responsibility; a separate letter as specified in Section 724.251 is not required.
 - B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.
 - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
 - i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility shall submit the items specified in subsection (f)(3) above to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.

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- 5) After the initial submission of items specified in subsection (f)(3) above, the owner or operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3) above.
- 6) If the owner or operator no longer meets the requirements of subsection (f)(1) above, the owner or operator shall obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in this Section. Evidence of insurance coverage shall be submitted to the Agency at the close of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.
- 7) The Agency may disallow use of this test on the basis of evidence that the owner or operator has not obtained a certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B) above). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall evaluate whether or not the owner or operator has obtained the required insurance or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this Section within 30 days after notification of disallowance.
- g) Guarantee for liability coverage.
 - 1) Subject to subsection (g)(2) below, an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a "guarantee." The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, or a subsidiary of the owner or operator, or a parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor shall meet the requirements for owners and operators in subsections (f)(1) through (f)(6) above. The wording of the guarantee must be as specified in subsection (f)(2)(b) above. The guarantee must be accompanied by the items sent to the Agency as specified in subsection (f)(3) above. One of these items must be the guarantor's parent corporation is also the parent corporation of the owner or operator. This letter must guarantee that the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the guarantee must provide that:
 - A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or non-sudden accidental occurrences (or both as

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the case may be), arising from the operation of facilities covered by this guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

- B) The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. The guarantee must not be terminated unless and until the Agency approves the termination by letter certifying compliance with Section 724.247 et seq. of the Illinois Administrative Code 725.247.

- 2) The guarantor shall execute the guarantee in Illinois. The guarantee shall be accompanied by a letter signed by the guarantor which states that:

- A) The guarantee was signed in Illinois by an authorized agent of the guarantor;
- B) The guarantee is governed by Illinois law; and
- C) The name and address of the guarantor's registered agent for service of process.

- 3) The guarantor shall have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1991, ch. 32, par. 5.05-1805 ILCS 5/5.051) or Section 5.05 of the General Partnerships Act of 1986 (Ill. Rev. Stat. 1991, ch. 32, par. 5.05-1805 ILCS 105/5.051).

- h) Letter of credit for liability coverage.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection, and submitting a copy of the letter of credit to the Agency.

- 2) The financial institution issuing the letter of credit shall be a duly licensed bank or trust company in Illinois, and the credit and whose letter of credit operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies.

- 3) The wording of the letter of credit must be as specified in Section 724.251.

- 4) An owner or operator who uses a letter of credit to satisfy the requirements of this Section may also establish a trust fund. Under the terms of such a letter of credit, all standby paid pursuant to the letter of credit shall be paid to the trustee of the trust fund established by the owner or operator. The trustee of the standby trust fund must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act (Ill. Rev. Stat. 1991, ch.

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32, par. 1551-1 et seq. 1205 ILCS 620/1-1 et seq.)

- 5) The wording of the standby trust fund must be identical to the wording specified in Section 724.251(n).

- i) Surety bond for liability coverage.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting a copy of the bond to the Agency.

- 2) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance.

- 3) The wording of the surety bond must be as specified in Section 724.251.

- j) Trust fund for liability coverage.

- 1) An owner or operator may satisfy the requirements of this Section by establishing a trust fund which conforms to the requirements of this subsection and submitting a duplicate original of the trust agreement to the Agency.

- 2) The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act (Ill. Rev. Stat. 1991, ch. 32, par. 1551-1 et seq. 1205 ILCS 620/1-1 et seq.)

- 3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon for any time after the trust fund is created. The amount of funds in the trust fund is reduced below the full amount of liability coverage to be provided, the owner or operator, by the anniversary of the date of establishment of the fund, shall either add sufficient funds to the trust fund to maintain the full amount of liability coverage or obtain other financial assurance as specified in this Section to cover the difference. For purposes of this subsection, "the full amount of the liability coverage to be provided" means the amount of coverage for sudden and by non-sudden accidental occurrences required to be provided by financial assurance for liability coverage which is being provided by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.

- 4) The wording of the trust fund must be as specified in Section 724.251.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 724.251 Wording of the Instruments

material that will not react dangerously with, be decomposed by or be attacked by, or cause the release of any toxic or reactive gas, tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178 and 179), if those regulations specify a particular inside container for the waste.

- b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material. The inside containers must be completely sealed in accordance with Section 724.673(b)(3) and (4) of the Illinois Pollution Control Act. The inside containers must be completely sealed and all other liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material.
- c) In accordance with Section 724.117(b), the absorbent material used in packing containers must be completely decomposed by or be contained by the contents of the inside containers in accordance with 724.117(b).
- d) Incompatible waste, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with subsections (a) through (d). Cyanide- and sulfide-bearing reactive waste may be packed in accordance with subsections (a) through (d) without first being treated or rendered non-reactive.
- f) Such disposal is in compliance with 35 Ill. Adm. Code 728. Persons who incinerate lab packs according to 35 Ill. Adm. Code 728.142(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums must meet the DOT specifications in subsection 11, and be overpacked according to the requirements of subsection (b).
- g) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART W: DRIP PADS Section 724.670 Applicability

- a) The requirements of this Subpart apply to owners and operators of facilities that use new or existing drip pads to convey treated wood chip waste, precipitation or surface water run-on to an associated collection system.

- 1) "Existing drip pads" are:

- A) Those constructed before December 6, 1990; and
- B) Those for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 6, 1990.

2) All other drip pads are "new drip pads".

- 3) The requirements at Section 724.673(b)(3) to install a leak collection system apply only to those drip pads that are constructed after December 24, 1992 except for those constructed after December 24, 1992 for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 24, 1992.

- b) The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither run-off nor run-on is generated is not subject to regulation under Section 724.672(e) or (f).

- e) The requirements of this subsection are not applicable to the management of infrequent and incidental drainage in storage yards provided that the owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will manage the contaminated media in a manner consistent with the requirements of this subsection. At a minimum, the contingency plan must describe how the owner or operator will do the following:

- 1) Clean up the drippage.
- 2) Document the clean-up of the drippage.
- 3) Retain documentation regarding the clean-up for three years, and
- 4) Manage the contaminated media in a manner consistent with State and Federal regulations.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 724.671 Assessment of existing drip pad integrity

- a) For each existing drip pad, the owner or operator shall evaluate the drip pad and determine that it meets all of the requirements of this Subpart, except the requirements for liners and leak detection systems of Section 724.673(b). No later than June 6, 1991, the owner or operator shall obtain and keep on file at the facility a written assessment of the drip pad integrity. The assessment shall be performed by a qualified professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and re-certified annually until all upgrades, repairs or modifications necessary to achieve compliance with all of the standards of Section 724.673 are completed. The evaluation must document the condition of the drip pad, the results of the assessment, and operating standards of Section 724.673, except the standards for liners and leak detection systems, specified in Section 724.673(b), and must

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document the age of the drip pad to the extent possible to document compliance with subsection (b).

- b) The owner or operator shall develop a written plan for upgrading, repairing and modifying the drip pad to meet the requirements of Section 724.672(b) and submit the plan to the Agency no later than 180 days before the expiration of the permit. The plan shall describe modifications that will be completed. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of Section 724.673 and must document the age of the drip pad to the extent possible. The plan must be reviewed and certified by an independent qualified registered professional engineer. All upgrades, repairs and modifications must be completed in accordance with the following:

- 1) For existing drip pads of known and documentable age, all upgrades, repairs and modifications must be completed by the date the drip pad has reached 15 years of age, whichever comes later.
- 2) For existing drip pads for which the age cannot be documented, by June 6, 1999; but, if the age of the facility is greater than 7 years, all upgrades, repairs and modifications must be completed by the date the facility reaches 15 years of age or by June 6, 1993, whichever comes later.
- 3) The owner or operator may petition the Board for an extension of the deadline in subsection (b)(1) or (2).

- A) The owner or operator shall file a petition for a RCRA variance as specified in 35 Ill. Adm. Code 104.

- B) The Board will grant the petition for extension if it finds that:

- i) The drip pad meets all of the requirements of Section 724.673, except those for liners and leak detection systems specified in Section 724.673(b); and
- ii) That it will continue to be protective of human health and the environment.

- c) Upon completion of all upgrades, repairs and modifications, the owner or operator shall submit to the Agency, the as-built drawings of the drip pad, certified by an independent, qualified, registered professional engineer attesting that the drip pad conforms to the drawings.

- d) If the drip pad is found to be leaking or unfit for use, the owner or operator shall comply with the provisions of Section 724.672(n) or close the drip pad in accordance with Section 724.675.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 724.672 Design and installation of new drip pads

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Owners and operators of new drip pads shall ensure that the pads are designed, installed and maintained in accordance with the following applicable requirements of Sections 724.673, 724.674 and 724.675:

- a) All of the requirements of Sections 724.673 (except 724.673(a)(4)), 724.674 and 724.675; or
- b) All of the requirements of Sections 724.673 (except 724.673(b)), 724.674 and 724.675.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 724.673 Design and operating requirements

- a) Drip pads must:

- 1) Not be constructed of earthen materials, wood or asphalt, unless the asphalt is structurally supported;
- 2) Be sloped to free-drain to the associated collection system treated wood drip pad, rain, other waters, or solutions of drip pad and water or other wastes;
- 3) Have a curb or berm around the perimeter;
- 4) Be impermeable, e.g., concrete pads must be sealed, coated or covered with an impermeable material such that the entire surface where drip pad occurs or may run across is capable of containing such drip pad and mixtures of drip pad and precipitation material or other wastes which are associated with the drip pad. This surface must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the preservatives that contact the drip pad. The design must be approved by an independent, qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually. The

- A) Have a hydraulic conductivity of less than or equal to 1 x 10⁻¹⁰ centimeters per second (cm/sec), e.g., existing concrete drip pads must be sealed, coated, or covered with an impermeable material such that the conductivity of less than or equal to 1 x 10⁻¹⁰ cm/sec

such that the entire surface where drip pad occurs or may run across is capable of containing such drip pad and mixtures of drip pad and precipitation materials or other wastes which are associated with the drip pad. This surface must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the preservatives that contact the drip pad. The design must be approved by an independent, qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually. The owner or operator elects to comply with section 724.672(a) instead of section 724.672(b).

- B) The owner or operator must obtain and keep on file at the site a copy of the design and construction drawings reviewed and certified by an independent qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually. The

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evaluation must document the extent to which the drip pads are installed in accordance with the provisions of this Section, except for in subsection (b) below.

BOARD NOTE: The requirement that new drip pads be impermeable, e.g., that new drip pads be coated, coated with a material that is impermeable, e.g., that drip pads be coated, coated or covered with an impermeable material, is administratively stayed. The stay will remain in effect until the Board removes this note by action adopted at a public hearing. The stay was adopted at the 57th Board meeting on February 24, 1992, pursuant to Board Order No. 51492. The stay was reported in Docket #93-4. The extended stay will not be construed as excusing owners or operators from complying with any federal requirements already in effect in Illinois.

- 5) Be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of installation and the stress of daily operations, e.g., variable and moving loads such as vehicle traffic, movement of wood, etc.

BOARD NOTE: In judging the structural integrity requirement of this subsection, the Agency should generally consider applicable standards established by professional organizations generally recognized by the industry, including ACI 318 or ASTM C94, incorporated by reference in 35 Ill. Adm. Code 720.111.

- b) A drip pad or an existing drip pad, after the deadline established in Section 724.672(b) if an owner or operator elects to comply with Section 724.672(b) instead of Section 724.672(a), the drip pad must have:
 - 1) A synthetic liner installed below the drip pad that is designed, constructed and installed to prevent leakage from the drip pad into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the drip pad. The liner must be installed so that it is capable of preventing waste from being absorbed into the liner and to prevent releases into the adjacent subsurface soil or groundwater or surface water during the active life of the facility. The liner must be:
 - A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrologic forces), physical contact with the waste or drip pad leakage to which they are exposed, climatic conditions, and the stresses and strains that may be encountered during the course of daily operation (including stresses from vehicular traffic on the drip pad);

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- B) Placed upon a foundation or base capable of providing adequate support to the liner and liner system to preserve gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and

- C) Installed to cover all surrounding earth that could come in contact with the waste or leakage; and

- 2) A leakage detection system immediately above the liner that is designed, constructed, maintained and operated to detect leakage from the drip pad. The leakage detection system must be:
 - A) Constructed of materials that are:
 - i) Chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and
 - ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad; and
 - B) Designed and operated to function without clogging through the scheduled closure of the drip pad; and
 - C) Designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.

- A) Constructed of materials that are:
 - i) Chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and
 - ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad; and

- B) Designed and operated to function without clogging through the scheduled closure of the drip pad; and
- C) Designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.

- 3) A leaking collection system immediately above the liner that is designed, constructed, maintained and operated to collect leakage from the drip pad such that it can be removed from the drip pad and the liner system. The system must be designed to collect any leakage that occurs in this system and removed must be documented in the operating log.

- A) The drip pad surface must be cleaned thoroughly in a manner and frequency such that accumulated residues of waste or hazardous materials are removed. The cleaning residues being properly managed as to allow weekly inspections of the entire drip pad surface without interference of hindrance from accumulated residues of hazardous waste or other materials on the drip pad.

- The owner or operator must document the date and time of each cleaning operation in the operating log. The owner or operator must determine if the residues are hazardous as per 35 Ill. Adm. Code 722.111 and, if so, must manage them under 35 Ill. Adm. Code 721 through 728, and Section 3010 of RCRA.

- B) The Federal rules do not contain a 40 CFR 264.572(b)(3)(B). This subsection is added to conform to Illinois Administrative Code rules.

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- c) Drip pads must be maintained such that they remain free of cracks, gaps, corrosion or other deterioration that could cause hazardous waste to be released from the drip pad.
- d) **BOARD NOTE:** See subsection (a) for remedial action required if deterioration or leakage is detected.
- e) The drip pad and associated collection system must be designed and operated to convey, drain and collect liquid resulting from dripage or precipitation in order to prevent run-off.
- f) Unless the drip pad is protected by a structure, as described in Section 724.670(b), the owner or operator shall design, construct, operate and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a 24-hour, 25-year storm event. The system must have sufficient excess capacity to contain any runoff that might enter the system.
- g) Unless the drip pad is protected by a structure or cover, as described in Section 724.670(b), the owner or operator shall design, construct, operate and maintain a run-off management system capable of preventing discharge from the drip pad resulting from a 24-hour, 25-year storm event.
- h) The drip pad must be evaluated to determine that it meets the requirements of subsections (a) through (f). The owner or operator shall obtain a statement from an independent, qualified, third-party professional engineer that the drip pad design meets the requirements of this Section.
- i) Dripage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.
- j) The drip surface must be cleaned thoroughly at least once every seven days such that accumulated residues of hazardous waste or other materials are removed, using an appropriate and effective cleaning technique, including but not limited to, rinsing, washing or scrubbing. The owner or operator shall document, in the facility's operating log, the date and time of each cleaning and the cleaning procedure used.
- k) Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.
- l) After being removed from the treatment vessel, treated wood from pressure and non-pressure processes must be held on the drip pad until the wood is completely dry. The owner or operator shall maintain records sufficient to document that all treated wood is held on the pad, in accordance with this Section, following treatment.
- m) Collection and holding units associated with run-on and run-off collection systems shall be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.
- n) Throughout the active life of the drip pad and as specified in the

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permit, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the following procedures:

- 1) Upon detection of a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of a leak in the leak detection system), the owner or operator shall:
 - A) Enter a record of the discovery in the facility operating log;
 - B) Immediately remove from service the portion of the drip pad affected by the condition;
 - C) Determine what steps must be taken to repair the drip pad, clean up any leakage from below the drip pad, and establish a schedule for accomplishing the clean up and repairs;
 - D) Within 24 hours after discovery of the condition, notify the Agency of the discovery, the location of the working days, provide written notice to the Agency with a description of the steps that will be taken to repair the drip pad and clean up any leakage, and the schedule for accomplishing this work.
 - 2) The Agency shall: review the information submitted; make a determination regarding whether the pad must be removed from service completely or partially until repairs and clean up are complete; and notify the owner or operator of the determination and the underlying rationale in writing.
 - 3) Upon completing all repairs and clean up, the owner or operator shall notify the Agency in writing and provide a certification, signed by an independent, qualified, registered professional engineer, that the repairs and clean up have been completed according to the written plan submitted in accordance with subsection (a)(1)(D).
 - n) If a permit is necessary, the Agency shall specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.
 - o) The owner or operator shall maintain, as part of the facility operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of drillage management practices and a description of treated wood storage and handling practices.
- Amended at 17 111. Reg.

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The requirements of this Subpart apply to owners or operators who store or treat hazardous waste in units designed and operated under Section 724.110.1. The owner or operator may notify USEPA of his intent to be bound by this Subpart at an earlier time. The owner or operator is not subject to the definition of land disposal in 35 Ill. Adm. Code 728.102 provided that the unit:

- a) Is a completely enclosed self-supporting structure that is designed to contain and prevent contact of the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to:
 - 1) pressure gradients;
 - 2) settlement, compression, or uplift;
 - 3) physical contact with the hazardous wastes to which they are exposed;
 - 4) climatic conditions; and
- b) Has a primary barrier that is designed to be sufficiently durable to withstand the movement of personnel wastes, and handling equipment within the unit.
- c) If used to manage liquids, the unit has:
 - 1) A primary barrier designed and constructed of materials to prevent migration of hazardous constituents into the barrier;
 - 2) A liquid collection system designed and constructed of materials designed to prevent the accumulation of liquid on the primary barrier; and
 - 3) A secondary containment system designed and constructed of materials to prevent migration of hazardous constituents into the barrier, with leak detection and liquid collection systems designed to detect and remove leaks and prevent removal of hazardous constituents at the earliest practicable time, unless the unit has been granted a variance from the secondary containment system requirements under Section 724.110(b)(4);
- d) Has controls sufficient to prevent fugitive dust emissions to meet the no visible emission standard in Section 724.110(c)(1)(A), and
- e) Is designed and operated to ensure containment and prevent the tracking of materials from the unit by personnel or equipment.

(Source: Added at 17 Ill. Reg. _____, effective _____)

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Section 724.110.1 Design and operating standards

- a) All containment buildings must comply with the following design and operating standards:

- 1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, run on) and to assure containment of managed wastes.
- 2) The floor and containment walls of the unit, including the secondary containment system if required under subsection (b) of this section, must be designed and constructed of materials of sufficient strength and thickness to support the weight of the unit and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, or uplift, physical contact with the hazardous wastes to which they are exposed, climatic conditions, and the stresses of daily operation, including the movement of heavy equipment within the unit, and the contact of such equipment with the containment walls. The unit must be designed so that it has sufficient structural strength to prevent collapse or other failures. All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes. The containment building shall meet the structural integrity requirements of the American Concrete Institute (ACI) and the American Society of Testing Materials (ASTM), if appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for lightweight doors and windows that meet these criteria:
 - A) They provide an effective barrier against fugitive dust emissions under subsection (c)(1)(C) below; and
 - B) The unit is designed and operated in a fashion that assures that wastes will not actually come in contact with these openings.
- 3) Incompatible hazardous wastes or treatment reagents must not be placed in the unit or its secondary containment system if they could cause the unit or its secondary containment system to leak, corrode, or otherwise fail.
- 4) A containment building must have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.

- b) For a containment building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the owner or operator must include:

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- 1.) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (e.g., a geomembrane covered by a concrete wear surface).
- 2.) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building.
- 3.) The primary barrier must be sloped to drain liquids to the associated collection system and
- 4.) Liquids and waste must be collected and removed to minimize hydraulic head on the containment system at the earliest practicable time.
- 5.) A secondary containment system including a secondary barrier designed and constructed of materials to prevent hazardous constituents into the barrier, and a leak detection system that is capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practicable time.
- 6.) The requirements of the leak detection component of the secondary containment system are satisfied by installation of a system that is, at a minimum:
- i.) Constructed with a bottom slope of 1 percent or more; and
 - ii.) Constructed of a granular drainage material with a hydraulic conductivity of 1×10^{-3} cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-3} m/sec or more.
- 7.) If treatment is to be conducted in the building, an area in which such treatment will be conducted must be designed to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building.
- 8.) The secondary containment system must be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and must be designed to prevent structural failure or collapse under the pressures exerted by overlying materials and by any equipment used in the containment building. (Containment buildings can serve as secondary containment systems for tanks placed within the building under certain conditions. A containment building that is designed to meet the requirements of Section 724.193(d)(1). In addition, the containment building must meet the requirements of Section 724.193(b) and Sections 724.193(c)(1) and (c)(2) to be an acceptable secondary containment system for a tank.)

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- 9.) For existing units other than 90-day generator units, USEPA may delay the secondary containment requirements until two years, based on a demonstration by the owner or operator that the unit substantially meets the standards of this Subpart. In making this demonstration, the owner or operator must:
- A) Provide written notice to USEPA of their request by November 16, 1992. This notification must describe the unit and its operating practices with specific reference to the performance of existing systems, and specific plans for retrofitting the unit with secondary containment.
 - B) Respond to any comments from USEPA on these plans within 30 days; and
 - C) Fulfill the terms of the revised plans, if such plans are approved by USEPA.
- 10.) Owners or operators of all containment buildings must:
- i.) Use controls and practice to ensure containment of the hazardous waste within the unit, and at a minimum:
 - A) Maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;
 - B) Maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;
 - C) Take measures to prevent the tracking of hazardous waste from the containment walls. The containment used in handling the waste in an area must be designed to decontaminate equipment and any rinseate must be collected and properly managed; and
 - D) Take measures to control fugitive dust emissions such that the unit meets the requirements of Section 724.193, etc., exhibit no visible emissions (see 40 CFR 60, Appendix A, Method 22 - Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Fires). In addition, all associated electrical collection devices, feeders, and other equipment must be maintained with sound air pollution control practices (see 40 CFR 60 for guidance). This state of no visible emissions must be maintained effectively at all times during routine operating and maintenance activities. In addition, the vehicles and personnel are entering and exiting the unit.

BOARD NOTE: At 40 CFR 264.110(c)(1)(iv), as added as 57 Fed. Reg. 37266 (Aug. 18, 1992), USEPA cites "40 CFR part 60, Subpart 999". At 57 Fed. Reg. 37217.

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USEPA repeats this citation in the preamble discussion of the rule. There is no change in the text of the Federal Regulations. The Board has chosen to use the more general citation: "40 CFR 60".

- 2) Obtain certification by a qualified registered professional engineer that the containment building design meets the requirements of subsection (a) of Section 17-1. For units placed into operation prior to February 18, 1993, this certification must be placed in the facility's operating record (on-site files for generators who are not normally required to have operating records) no later than 180 days after the date of initial operation of the unit. After February 18, 1993, certification will be required prior to operation of the unit.
- 3) Throughout the active life of the containment building, if the owner or operator detects a condition that could lead to release of hazardous wastes or other materials or hazardous waste, must repair the condition promptly. In addition, however:
 - A) Upon detection of a condition that has caused to a release of hazardous wastes (e.g., upon detection of leakage from the primary barrier) the owner or operator must:
 - i) Enter a record of the discovery in the facility operating record;
 - ii) Immediately remove the portion of the containment building affected by the condition from service;
 - iii) Determine what steps must be taken to repair the containment building, remove any leakage from the secondary collection system, and establish a schedule for accomplishing the cleanup and repairs; and
 - iv) Within 7 days after the discovery of the condition, notify the Agency in writing of the condition, and within 14 working days, provide a written report to the Agency with a description of the building, the nature of the condition, the steps to be taken for accomplishing the work.
 - B) The Agency shall review the information submitted, and, in accordance with Section 14 of the Act, regarding whether the building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.
 - C) Upon completing all repairs and cleanup the owner and operator must notify the Agency in writing and provide a verification, signed by a qualified, registered

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Professional engineer, that the repairs and cleanup have been completed according to the written plan approved by the Agency, and that the building is in compliance with subsection (a)(2)(b)(iv) above.

- 4) Inset and record in the facility's operating record, at least once every seven days, data gathered from monitoring equipment which detect equipment leakage as described in subsection (a)(2)(b)(iv) of the Act, and the location of the containment building to detect signs of releases of hazardous waste.
- a) For containment buildings that contain areas both with and without secondary containment, the owner or operator must:
 - 1) Design and operate each area in accordance with the requirements enumerated in subsections (a) through (c) of this Section;
 - 2) Take measures to prevent the release of liquids or wet materials into areas without secondary containment; and
 - 3) Maintain in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without secondary containment.
- b) Notwithstanding any other provision of this Subpart the Agency shall not require secondary containment for a permitted containment building where the owner operator demonstrates that the only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements, and where containment of leaked wastes and liquids can be assured without a secondary containment system.

(Source: Added at 17 Ill. Reg. _____, effective _____)

724.1102 Closure and post closure care

 - a) At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subcells, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. Code 724.101(c) applies. The closure plan, closure activities, and the schedule for accomplishing the work must meet all of the requirements specified in 739 Subparts G and H.
 - b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of waste residues, the owner or operator determines that the building contains not all contaminated subcells as above, the owner or operator finds that not all contaminated subcells can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (35 Ill. Adm. Code 724.310). The owner or operator must provide a financial assurance for the financial responsibility, such as a containment building is then

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considered to be a landfill, and the owner or operator must meet
all the requirements for landfills specified in 739 Subparts G and
H.

(Source: Added at 17 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities

2) Code Citation: 35 Ill. Adm. Code 726

3) Section Numbers: Proposed Action:

726.140, 726.141, 726.142 Repeal
726.143, 726.144 Repeal
726.200, 726.201, 726.203 Amendment
726.204, 726.205 Amendment
726.212, 726.219 Amendment
726 Appendix I Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].

5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's Proposed Opinion of May 27, 1993, in 893-4, which Opinion is available from the address below. Section 214(a) of the Administrative Procedure Act (65 ILCS 5/2-214(a)) provides that the Board shall publish in the Illinois Register the proposed rule. Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCARR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1992.

Specifically, the amendments to Part 726 include the repeal of Subpart E which governed used and waste oil. The variance provisions found in Subpart E and the provisions governing the determination of whether a facility is a Tier I or Tier II facility are being moved to Subpart A. The baseline HC level is redefined and the method for determining this baseline CO level is identified. Owners and operators of facilities not eligible for screening limits are required to comply with Tier III standards or with adjusted Tier I feed rate screening limits. Adjusted Tier I feed screening limits are added to the standards to control hydrogen chloride and chlorine gas emissions.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference?

No. 35 Ill. Adm. Code 720-111 is a centralized listing of all incorporations by reference for Parts 721 through 739. References used throughout this Part are identified in the table below. The Board's proposed rulemaking amends the incorporations by reference for documents incorporated for the purposes of Parts 721, 724, 725, 726 and 739. They further update the edition of all references to the Code of Federal Regulations for use in all Parts wherever they appear.

9) Are there any other amendments pending on this Part? No.

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10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act and are intended to be achieved by the State of Illinois. The objectives are to: (1) prevent, control, and abate the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R93-4 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 2, 1993.
- B) Type of small businesses affected:
The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The present amendments may affect those businesses engaged in these activities.
- C) Reporting, bookkeeping or other procedures required for compliance:
The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and record keeping. The proposed amendments may affect these requirements for affected entities.
- D) Type of professional skills necessary for compliance:
Compliance with the existing rules and proposed amendments may require the services of a professional engineer, a chemist and registered professional engineer. The present amendments may affect these requirements for affected entities.

The full text of the proposed amendments begins on the next page.

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE
AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIESSUBPART C: RECYCLABLE MATERIALS USED IN A MANNER
CONSTITUTING DISPOSAL

Section
726.120
726.121
726.122
726.123

Applicability
Standards applicable to generators and transporters of materials used in a manner that constitutes disposal
Standards applicable to storers, who are not the ultimate users, of materials that are to be used in a manner that constitutes disposal
Standards applicable to users of materials that are used in a manner that constitutes disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section
726.130
726.131
726.132
726.133
726.134
726.135
726.136

Applicability (Repealed)
Prohibitions (Repealed)
Standards applicable to generators of hazardous waste fuel (Repealed)
Standards applicable to transporters of hazardous waste fuel (Repealed)
Standards applicable to marketers of hazardous waste fuel (Repealed)
Standards applicable to burners of hazardous waste fuel (Repealed)
Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY (Repealed)

Section
726.140
726.141
726.142
726.143
726.144

Applicability (Repealed)
Prohibitions (Repealed)
Standards applicable to generators of used oil burned for energy recovery (Repealed)
Standards applicable to marketers of used oil burned for energy recovery (Repealed)
Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL
RECOVERY

Section
726.170
Section
726.180

Applicability and requirements
SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED
Applicability and requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section

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- 726-200 Applicability
- 726-201 Management prior to burning
- 726-202 Standards for burners
- 726-203 Interim status standards for burners
- 726-204 Standards to control PM
- 726-205 Standards to control Metals Emissions
- 726-206 Standards to control HCl and Chlorine Gas Emissions
- 726-207 Standards for direct transfer
- 726-208 Low risk waste exemption
- 726-209 Waiver of DRE trial burn for Boilers
- 726-210 Standards for direct transfer
- 726-211 Regulation of Residues
- 726-212 Extensions of Time
- 726-219

Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals

- 726-Appendix A Tier I Feed Rate Screening Limits for Total Chlorine
- 726-Appendix B Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride Concentrations
- 726-Appendix C Risk Specific Doses
- 726-Appendix D Stack Plume Rise
- 726-Appendix E Health-Based Limits for Exclusion of Waste-Derived Residues
- 726-Appendix F Potential PICs for Determination of Exclusion of Waste-Derived Residues
- 726-Appendix G Methods Manual for Compliance with BIF Regulations
- 726-Appendix H Guideline on Air Quality Models
- 726-Appendix I Lead-Bearing Materials That May be Processed in Exempt Lead Smelters
- 726-Appendix J Nickel or Chromium-Bearing Materials that may be Processed in Exempt Lead Smelters
- 726-Appendix K Exempt Quantities for Small Quantity Burner Exemption
- 726-Table A

726-Table A Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 271]).

SOURCE: Adopted in 885-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in 886-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in 887-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in 889-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in 890-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in 891-1 at 15 Ill. Reg. 9727, effective August 19, 1991; amended in 892-1 at 16 Ill. Reg. 9838, effective June 9, 1992; amended in 892-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in 893-4 at 17 Ill. Reg. _____, effective _____.

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY (Repealed)

Section 726.140 Applicability (Repealed)

- e) The regulations of this Subpart apply to used oil that is burned for energy recovery in any boiler or industrial furnace that is not regulated under 38 Ill. Reg. Code 724 or 725 Subpart G. The regulations of this Subpart do not apply to used oil that is burned for energy recovery in a boiler or industrial furnace that is not regulated under 38 Ill. Reg. Code 724 or 725 Subpart G. The regulations of this Subpart do not apply to used oil that is burned for energy recovery in a boiler or industrial furnace that is not regulated under 38 Ill. Reg. Code 724 or 725 Subpart G.

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- b) Used oil means any oil that has been refined from crude oil, used and as a result of such use, is contaminated by physical or chemical impurities.
- c) Except as provided by subsection (d), below, used oil that is mixed with hazardous waste and burned for energy recovery is subject to regulation as hazardous waste fuel under Subpart H. Used oil containing more than 100 ppm of total halogens is subject to regulation as hazardous waste fuel under Subpart H. Regulated hazardous waste listed in 35 Ill. Reg. Code 721, Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Reg. Code 721, Subpart H).
- d) Used oil burned for energy recovery is subject to regulation under this Subpart rather than as hazardous waste fuel under Subpart H if it is a hazardous waste solely because it:

- 1) Exhibits a characteristic of hazardous waste identified in 35 Ill. Reg. Code 721, Subpart G, provided that it is not mixed with a hazardous waste or
- 2) Contains hazardous waste generated only by a person subject to the requirements of 35 Ill. Reg. Code 721, Subpart G, under 35 Ill. Reg. Code 721.105.

- e) Except as provided by subsection (c), above, used oil burned for energy recovery, and any fuel produced from used oil by processing, blending or other treatment, is subject to regulation under this Subpart rather than as hazardous waste fuel under Subpart H if the used oil, or the processing and properties in the specification shown in the following table. Used oil fuel that meets the specification is subject only to the analysis and recordkeeping requirements under Section 726.144(b)(1) and (b)(2). Used oil fuel that exceeds any specification level is termed "off-specification used oil fuel".

USED OIL EXCEEDING ANY SPECIFICATION LEVEL IS SUBJECT TO THIS SUBPART WHEN BURNED FOR ENERGY RECOVERY

Constituent/Property	Allowable Level
Arsenic	5 ppm max
Cadmium	2 ppm max
Chromium	10 ppm max
Copper	10 ppm max
Flash Point	100 degrees F min
Total Halogens	4000 ppm max

- 1) The specification does not apply to used oil or fuel mixed with a hazardous waste other than small quantity generated hazardous waste.
- 2) Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste under the rebuttable

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presumption provided under subsection (c) above. Such used oil is subject to Subpart D rather than this Subpart when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

Section 726.141 Prohibitions [Repealed]

a) A person may market off-specification used oil for energy recovery only.

i) To burners or other marketers who have notified USEPA of their used oil management activities stating the location and general description of such activities, and who have USEPA identification number and _____.

ii) To burners who burn the used oil in an industrial furnace or boiler identified in subsection (b).

b) Off-specification used oil may be burned for energy recovery in only the following devices:

i) Industrial furnaces identified in 35 Ill. Adm. Code 720.1107 or _____.

ii) Boilers as defined in 35 Ill. Adm. Code 720.110, that are identified as follows:

A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes.

B) Utility boilers used to produce electric power, steam or heated or cooled air or other gases or fluids for sale or _____.

C) Used oil-fired space heaters provided that:

i) The heater burner only used oil that the owner or operator generates or uses oil received from do-it-yourself oil changers who generate used oil as household waste.

ii) The heater is designed to have a maximum capacity of not more than 0.5 million British thermal units per hour, and _____.

iii) The combustion gases from the heater are vented to the ambient air.

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

Section 726.142 Standards applicable to generators of used oil burned for energy recovery [Repealed]

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a) Except as provided in subsections (b) and (c) below, generators of used oil are not subject to this Subpart.

b) Generators who market used oil directly to a burner are subject to Section 726.144.

c) Generators who burn used oil are subject to Section 726.144.

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

Section 726.143 Standards applicable to marketers of used oil burned for energy recovery [Repealed]

a) Persons who market used oil fuel are termed "marketers". Except as provided below, marketers include generators who market used oil fuel directly to a burner, persons who receive used oil from generators and market it to burners, and persons who market used oil including persons sending blended or processed used oil to burners or other intermediaries, and persons who distribute but do not process or blend used oil fuel. The following persons are not marketers subject to this Subpart:

i) Used oil generators and collectors who transport used oil received only from generators, unless the generator or collector markets the used oil directly to a person who burns it for energy recovery. However, persons who burn some used oil fuel for purposes of processing or other treatment to produce used oil fuel or marketing are not excluded from the definition of marketers. Thus, generators and collectors who market to such incidental burners are not marketers subject to this Subpart.

ii) Persons who market only used oil fuel that meets the specification under Section 726.140(c) and who are not the generators or collectors of such used oil fuel. However, marketers who do not receive used oil from generators or initial transporters and marketers who neither receive nor market off-specification used oil fuel.

b) Marketers are subject to the following requirements:

i) Analysis of used oil fuel. Used oil fuel to be subject to regulation under this Subpart unless the marketer obtains analyses or other information documenting that the used oil fuel meets the specification provided under Section 726.140(c).

ii) Prohibitions. The prohibitions under Section 726.141(c) are:

3) Notification. Notification to USEPA stating the location and general description of used oil management activities. Even if a marketer has previously notified USEPA of the location and general description of its used oil management activities, it must file a notification under Section 726.141(c) if it obtains and obtains a USEPA identification number, the marketer shall notify to identify the marketer's used oil management activities.

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- 4) Invoice system. When a marketer initiates a shipment of off-specification used oil, the marketer shall prepare and submit to the Department of Transportation a bill of lading containing the following information:
 - a) An invoice number
 - b) The marketer's own USPH identification number and the USPH identification number of the receiving facility
 - c) The name and addresses of the shipping and receiving facilities
 - d) The quantity of off-specification used oil to be delivered
 - e) The date(s) of shipment or delivery; and
 - f) The following statement: "This used oil is subject to Department regulation under 40 CFR 266 and 35.111, Idm. Code 726."
- (BOARD NOTE: Used oil that meets the definition of combustible liquid (flash point below 200°F but at or greater than 100°F) or flammable liquid (flash point below 100°F) shall be subject to Department regulation under Transportation-Hazardous Materials Regulations at 49 CFR 100 through 177 (1985).)
- 5) Required Notices
 - a) Before a marketer initiates the first shipment of off-specification used oil to a burner or other marketer, the marketer shall obtain a one-time written and signed notice from the burner or marketer certifying that:
 - i) The burner or marketer has notified USPH, stating the location and general description of the burner's or the marketer's used oil management activities; and
 - ii) If the recipient is a burner, the burner will burn the off-specification used oil in an industrial furnace or boiler identified in Section 726.141(b) and
 - b) Before a marketer accepts the first shipment of off-specification used oil from a burner or marketer, the marketer shall provide the burner with a one-time written and signed notice certifying that the marketer has notified USPH of the marketer's used oil management activities; and
 - c) Recordkeeping.
 - d) Used Oil Fuel That Meets the Specification. A marketer who

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- first claims under subsection (b)(1) that used oil fuel meets the specification shall keep copies of analyses (or other information used to make the determination) of used oil for three years. Such marketers shall also record in an oil log the quantity of used oil that meets the specification on each shipment of used oil fuel that meets the specification. Such used oil fuel is not subject to further regulation, unless it is subsequently mixed with hazardous waste or unless it is mixed with used oil so that it no longer meets the specification.
- i) The name and address of the facility receiving the shipment;
 - ii) The quantity of used oil fuel delivered;
 - iii) The date of shipment or delivery; and
 - iv) A cross-reference to the record of used oil analysis (or other information used to make the determination) that the oil meets the specification) required under subsection (b)(7)(m) above.
- B) Off-Specification Used Oil Fuel. A marketer who receives or initiates an invoice under the requirements of this Section shall keep a copy of each invoice for three years after the date the invoice is received. In addition, the marketer shall keep a copy of each certification notice that the marketer receives or sends for three years from the date the marketer last engages in an off-specification used oil fuel marketing transaction with the person who sends or receives the certification notice.
- (Source: Repealed at 17 Ill. Reg. _____, effective _____)
- Section 726.144
Standards applicable to burners of used oil burned for energy recovery [REPEALED]
- Owners and operators of facilities that burn used oil fuel are "burners" and are subject to the following requirements:
- a) Prohibition. The prohibition under Section 726.141(b)(1) prohibition of off-specification used oil fuel and burners of used oil fuel who are the first to claim that the oil meets the specification provided under Section 726.140(e), except burners who burn specification oil that they generate, shall notify USPH stating the location and general description of used oil fuel that they burn. The notification shall be made by the specification the receive such oil from a marketer that previously notified USPH. Burners are not required to notify USPH of used oil-fired space heaters that burn used oil fuel under the provisions of Section 726.141(b)(2) are exempt from the notification requirement.
 - b) Required notices. Before a burner accepts the first shipment of

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~~off-specification used oil fuel from a marketer, the burner shall receive an invoice a one-time written and signed notice certifying that:~~

- ~~1) The burner has notified USEPA stating that location and general description of the burner is used oil management activities; and~~
- ~~2) The burner will burn the used oil only in an industrial furnace or boiler identified in Section 726.141(b) and~~
- ~~4) Used oil fuel analyzer~~
 - ~~1) Used oil fuel burned by the generator is subject to regulation under this Subpart unless the burner obtains an invoice (or other information) documenting that the used oil meets the specification provided under Section 726.140(c);~~
 - ~~2) Burners who treat off-specification used oil fuel by processing, blending or other treatment to meet the specification provided under Section 726.140(e) shall obtain an invoice (or other information) documenting that the used oil meets the specification;~~
 - ~~3) Recordkeeping - A burner who receives an invoice under the requirements of this Section shall keep a copy of each invoice for three years from the date the invoice is received. Burners shall also keep for three years copies of analyses of used oil fuel as may be required by subsection (d). In addition, the burner shall keep a copy of each certification notice that the burner sends to the generator certifying that the used oil meets the burner's off-specification used oil fuel from that marketer.~~
- ~~e) Recordkeeping - A burner who receives an invoice under the requirements of this Section shall keep a copy of each invoice for three years from the date the invoice is received. Burners shall also keep for three years copies of analyses of used oil fuel as may be required by subsection (d). In addition, the burner shall keep a copy of each certification notice that the burner sends to the generator certifying that the used oil meets the burner's off-specification used oil fuel from that marketer.~~

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

SUBPART H. HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section 726.200 Applicability

- a) The regulations of this Subpart apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in Section 726.100) used for energy recovery, or for storage, heating, or processing, except as provided by subsections (b), (c), (d) and (f), below. In this Subpart, the term "burn" means burning for energy recovery or destruction, or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.207, 726.205, 726.206 and 726.207 apply to facilities operating under a RCRA permit or under a RCRA permit as specified in Sections 726.202 and 726.203.
- b) The following hazardous wastes and facilities are not subject to regulation under this Subpart:
 - 1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721. Subpart

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G. Such used oil is subject to regulation under Subpart H-35 111. Adm. Code 726.202 rather than this Subpart;

- 2) Gas recovered from hazardous or solid waste landfills when such gas is burned for energy recovery;
 - 3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and 721.106(a) (3)(E) through (H), and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and
 - 4) Coke ovens, if the only hazardous waste burned is USEPA Hazardous Waste No. X087, decanter tank tar sludge from coking operations.
- c) Owners and operators of smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, sintering furnaces, roasters and fluidized bed furnaces) and metal recovery waste kilns or incinerators (including hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart, except for Sections 726.201 and 726.212.
- 1) To be exempt from Sections 726.202 through 726.211, an owner or operator of metal recovery furnaces shall comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing, shall comply with the requirements of subsection (c)(3), below:
 - A) Provide a one-time written notice to the Agency indicating the following:
 - i) The owner or operator claims exemption under this subsection;
 - ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2), below;
 - iii) The hazardous waste contains recoverable levels of metals; and
 - iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection;
 - B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SM-846, incorporated by reference in 35 Ill. Adm. Code 721.105, or an alternative method that meets the requirements of the SM-846 performance capabilities. If SM-846 does not prescribe a method for a particular determination, the owner or

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- operator shall use the best available method; and
- C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal nonhazardous waste feedstocks.
- 2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:
- A) The hazardous waste has a total concentration of organic compounds listed in 35 Ill. Adm. Code 721-Appendix H, exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C), above; or
- B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C), above.
- 3) To be exempt from Sections 726-202 through 726-211, an owner or operator of a lead or nickel-chromium recovery furnace, or a metal recovery furnace that burns a baghouse waste used to capture metallic dusts emitted by steel manufacturing must provide a one-time written notice to the Agency containing the following information: (1) Whether the owner or operator claims an exemption for each waste under this subsection or subsection (c)(1), above. The owner or operator shall comply with the requirements of subsection (c)(1), above, for those wastes claimed to be exempt under that subsection and shall comply with the requirements of this subsection for those wastes claimed to be exempt under this subsection.
- A) The hazardous wastes listed in Appendices K and L and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (c)(1), above, provided that:
- i) A waste listed in Section 726-Appendix K must contain recoverable levels of lead. A waste

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- listed in Section 726-Appendix L must contain recoverable levels of nickel or chromium and must be burned in a furnace that is designed to emit by steel manufacturing must contain recoverable levels of metal; and
- ii) The waste does not exhibit the Toxicity characteristics listed in 35 Ill. Adm. Code 721-124 for an organic constituent; and
- iii) The waste is not a hazardous waste listed in 35 Ill. Adm. Code 721-Subpart D because it is listed for an organic constituent as identified in 35 Ill. Adm. Code 721-Appendix G; and
- iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3), above, and that sampling and analysis will be conducted or other measures will be taken to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (C)(1)(B), above, and records to document compliance with subsection (c)(3), above, must be kept for at least three years.
- B) The Agency may decide on a case-by-case basis that the toxic organic constituents in a material listed in Section 726-Appendix K or Section 726-Appendix L that contain a total concentration of organic compounds listed in 35 Ill. Adm. Code 721-Appendix H, exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction, may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart. In that situation, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart when burning that material. In making the hazard determination, the Agency shall consider the following factors:
- i) The concentration and toxicity of organic constituents in the material; and
- ii) The level of destruction of toxic organic constituents provided by the furnace; and
- iii) Whether the acceptable ambient levels established in Appendices D or E will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.
- d) The standards for direct transfer operations under Section 726-211 apply only to facilities subject to the permit standards of Section 726-202 or the interim status standards of Section

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726-203.

- e) The management standards for residues under Section 726-212 apply to any BIF burning hazardous waste.

f) Owners and operators of smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the following metals: antimony, arsenic, bismuth, cadmium, cobalt, chromium, copper, lead, molybdenum, nickel, niobium, rhodium or ruthenium, or any combination of these, are conditionally exempt from regulation under this subpart except for Section 726-212. To be exempt from Sections 726-202 through 726-211 an owner or operator shall:

- 1) Provide a one-time written notice to the Agency indicating the following:

- A) The owner or operator claims exemption under this Section;
- B) The hazardous waste is burned for legitimate recovery of precious metal; and
- C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section.

- 2) Sample and analyze the hazardous waste as necessary to document that the waste is burned for recovery of economically significant amounts of precious metal using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods 8060, SW-846, incorporated by reference in Section 726-211, and the following methods: methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and

- 3) Maintain at the facility for at least three years records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.

- 9) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart:

"APCS" means air pollution control system.

"BIF" means boiler or industrial furnace.

"Carcinogenic metals" means arsenic, beryllium, cadmium and chromium.

"CO" means carbon monoxide.

"Continuous monitor" is a monitor which continuously samples the regulated parameter without interruption, and evaluates

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the detector response at least once each 15 seconds, and computes and records the average value at least every 60 seconds.

"DRE" means destruction or removal efficiency.

"cu m" means cubic meters.

"X" means "ten to the". For example, "XE-Y" means "X times ten to the -Y power".

"Feed rates" are measured as specified in Section 726.202(e)(6).

"Good engineering practice stack height" is as defined by 40 CFR 51.100(i), incorporated by reference in 35 Ill. Adm. Code 720.111.

"HC" means hydrocarbon.

"HCl" means hydrogen chloride gas.

"Hourly rolling average" means the arithmetic mean of the 60 most recent 1-minute average values recorded by the continuous monitoring system.

"K" means Kelvin.

"KVA" means kilovolt amperes.

"MET" means maximum exposed individual.

"WEI location" means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

"Noncarcinogenic metals" means antimony, barium, lead, mercury, thallium and silver.

"One hour block average" means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the beginning of preceding clock hour

"PIC" means product of incomplete combustion.

"PM" means particulate matter.

"POHC" means principal organic hazardous constituent.

"Ppmv" means parts per million by volume.

"QA/QC" means quality assurance and quality control.

"Rolling average for the selected averaging period" means the arithmetic mean of one hour block averages for the averaging period.

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"RAC" means reference air concentration, the acceptable ambient level for the noncarcinogenic metals for purposes of this Subpart. RACs are specified in Section 726.204 Subpart D. "RSD" means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in Section 726.204 Subpart E.

"SSU" means "Saybolt Seconds Universal", a unit of viscosity measured by testing at 100°F, incorporated by reference in 35 Ill. Adm. Code 720.111.

"TCLP test" means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

"TSSP" means terrain-adjusted effective stack height (in meters).

"Tier I". See Section 726.206(b).

"Tier II". See Section 726.206(c).

"Tier III". See Section 726.206(d).

"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-dioxin and Dibenzofuran Congeners" in Section 726.204 Subpart I ("oxy").

"ug" means microgram.

(Source: Amended at 17 Ill. Reg. _____, effective _____)
Section 726.201 Management prior to Burning

- a) Generators. Generators of hazardous waste that is burned in a BIF are subject to 35 Ill. Adm. Code 722.
- b) Transporters. Transporters of hazardous waste that is burned in a BIF are subject to 35 Ill. Adm. Code 723.
- c) Storage facilities.

1) Owners and operators of facilities that store hazardous waste in a BIF are subject to the applicable provisions of 35 Ill. Adm. Code 724 Subparts A through L, 35 Ill. Adm. Code 725 Subparts A through L and 35 Ill. Adm. Code 702 and 703, except as provided by subsection (c)(2), below. These standards apply to storage by the burner as well as to storage facilities operated by third parties (e.g., waste transferors, etc.) between the generator and the burner.

2) Owners and operators of facilities that burn, in an on-site BIF exempt from regulation under the small quantity burner provisions of Section 726.204 Subpart D, hazardous waste are subject to regulation under 35 Ill. Adm. Code 724 Subparts A through L, 35 Ill. Adm. Code 725 Subparts A

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through L and 35 Ill. Adm. Code 702 and 703 with respect to the storage of mixtures of hazardous waste applicable to storage units for those storage units that store mixtures of hazardous waste, and the primary use of the BIF in tanks subject to regulation as prescribed in subsection (c)(1), above.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 726.203 Interim status standards for Burners

- a) Purpose, scope, applicability.

1) General.

A) The purpose of this Section is to establish minimum "existing" BIFs that burn hazardous waste where such standards define the acceptable management of hazardous waste in existing BIFs. The standards of this Section apply to owners and operators of existing facilities until either a permit is issued under Section 726.202(d) or until closure responsibilities identified in this Section are fulfilled.

B) "Existing" or "in existence" means a BIF for which the owner or operator filed a certification of precompliance with USEPA pursuant to 40 CFR 266.103(b), incorporated by reference in subsection (b), below; provided, however, that USEPA has not determined that the certification is invalid.

C) If a BIF is located at a facility that already has a RCRA permit or interim status, then the owner or operator shall comply with the applicable regulations with permit modifications in 35 Ill. Adm. Code 703.280 and changes in interim status in 35 Ill. Adm. Code 703.155.

2) Exemptions. The requirements of this Section do not apply to hazardous waste and facilities exempt under Sections 726.200(b) or 726.208.

3) Prohibition on burning dioxin-listed wastes. The following hazardous waste listed for dioxin and hazardous waste derived from any of these wastes must not be burned in a BIF operating under interim status: USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027.

4) Applicability of 35 Ill. Adm. Code 725 standards. Owners and operators of BIFs that burn hazardous waste and are operating under interim status are subject to the following provisions of 35 Ill. Adm. Code 725, except as provided otherwise by this Section:

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- A) In Subpart A (General), 35 Ill. Adm. Code 725.104;
- B) In Subpart B (General facility standards), 35 Ill. Adm. Code 725.111 through 725.117;
- C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 725.131 through 725.137;
- D) In Subpart D (Contingency plan and emergency procedures), 35 Ill. Adm. Code 725.151 through 725.156;
- E) In Subpart E (Manifest system, recordkeeping and reporting), 35 Ill. Adm. Code 725.171 through 725.177, 725.178, 725.179, 725.180, 725.181, 725.182, 725.183, 725.184, 725.185, 725.186 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources;
- F) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code 725.211 through 725.215;
- G) In Subpart H (Financial requirements), 35 Ill. Adm. Code 725.241, 725.242, 725.243 and 725.247 through 725.251, except that the State of Illinois and the Federal government are exempt from the requirements of 35 Ill. Adm. Code 725.247(a), and
- H) Subpart BB (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 725.950(a).

- 5) Special requirements for furnaces. The following controls shall be required for the combustion of hazardous waste in kilns, cupolas that feed hazardous waste for a purpose other than solely as an ingredient (see subsection (a)(5)(B), above) at any location other than the hot end where products are normally discharged or where fuels are normally fired:
- A) Controls.

- i) The hazardous waste must be fed at a location where combustion gas temperatures are at least 1800 °F;
- ii) The owner or operator shall determine that adequate oxygen is present in combustion gases to combust organic constituents in the waste and retain documentation of such determination in the facility record;
- iii) For cement kiln systems, the hazardous waste must be fed into the kiln; and
- iv) The HC controls of Section 726.204(f) or subsection (c)(3), below, apply upon combustion of hazardous waste in the facility (c), below, irrespective of the CO level.

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achieved during the compliance test.

- B) Burning hazardous waste solely as an ingredient. A hazardous waste is burned for purposes other than "solely as an ingredient" if it meets either of these criteria:
- i) The hazardous waste has a total concentration of inorganic solids and 500 ppm by weight, as 721 Appendix H, exceeding 500 ppm by weight, as fired and so is considered to be burned for destruction. The concentration of nonmetal compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. The heating value of the waste as-generated may be augmented by diluting the waste to the 500 ppm limit. Blending for dilution must be documented. The waste is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the facility record; or
- ii) The hazardous waste has a heating value of 5,000 Btu/lb as-generated and 5,000 Btu/lb as-fired and is not to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. The heating value of the waste as-generated may be augmented by diluting the waste to the 5,000 Btu/lb limit. Blending for dilution must be documented. The waste is prohibited and documentation that the waste has not been impermissibly blended must be retained in the facility record.
- 6) Restrictions on burning hazardous waste that is not a fuel. Prior to certification of compliance under subsection (c), below, owners and operators shall not feed hazardous waste that has a heating value less than 5000 Btu/lb, as-generated, into a furnace. The heating value of the waste as-generated may be increased to above the 5,000 Btu/lb limit by bona fide treatment; however blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and records must be kept to document that impermissible blending has not occurred) in a BIF, except that:
- A) Hazardous waste may be burned solely as an ingredient; or
- B) Hazardous waste may be burned for purposes of compliance testing (or testing prior to compliance certification) for a total period of time not to exceed 720 hours; or
- C) Such waste may be burned if the Agency has documentation to show that, prior to August 21, 1991:
- i) The BIF was operating under the interim status

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standards for incinerators or thermal treatment units, 35 Ill. Adm. Code 725-Subparts O or P; and

- ii) The BIF met the interim status eligibility requirements under 35 Ill. Adm. Code 703.153 for 35 Ill. Adm. Code 725-Subparts O or P; and

- iii) Hazardous waste with a heating value less than 5,000 Btu/lb was burned prior to that date; or

- D) Such waste may be burned in a halogen acid furnace if the waste was burned as an excluded ingredient under 35 Ill. Adm. Code 721.102(e) prior to February 21, 1991. Documentation is kept on file supporting this claim.

- 7) Direct transfer to the burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner or operator shall comply with Section 726.211.

b) Certification of precompliance.

- 1) The Board incorporates by reference 40 CFR 266.103(b)(1992) adopted as 35 Ill. Adm. Code 725-Subpart P-1.103(b)(1992) adopted as 35 Ill. Adm. Code 725-Subpart P-1.103(b)(1992) amended at 57 Fed. Reg. 38564, August 25, 1992. This section incorporates no later editions or amendments.

- 2) Certain owners and operators were required to file a certification of precompliance with US EPA by August 21, 1991. 40 CFR 266.103(b). No separate filing is required with the Agency.

- c) Certification of compliance. The owner or operator shall conduct emissions testing to document compliance with the emissions standards of Subsection (5)(A)(iv) or under the procedures prescribed by this subsection, except under extensions of time provided by subsection (c)(7), below. Based on the compliance test, the owner or operator shall submit to the Agency, on or before August 21, 1992, a complete and accurate certification of compliance with the emissions standards and the emissions standard establishing limits on the operating parameters specified in subsection (c)(1), below.

- 1) Limits on operating conditions. The owner or operator shall establish limits on the following parameters based on the emissions testing required by subsection (5)(A)(iv) or as otherwise prescribed in subsection (c)(4)(D), below, or as otherwise specified and include these limits with the certification of compliance. The BIF must be operated in accordance with these operating limits and the applicable emissions standards of Section 726.204(b) through (e), 726.205, 726.207, 726.208, and 726.209. Above, at all times when there is hazardous waste in the unit.

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- A) Feed rate of total hazardous waste and (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)), pumpable hazardous waste;

- B) Feed rate of each metal in the following feedstreams:

- i) Total feedstreams, except that industrial furnaces that must comply with the alternative feedstream screening limits under Section 726.206(c)(3)(B), below, must specify limits on the concentration of each metal in collected PM in lieu of feed rate limits for total feedstreams, and facilities that comply with Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e), must specify limits on the metal feed rate screening limits determined under subsection 726.206(b) or (e).

BOARD NOTE: Federal subsections 726.203(c)(1)(i)(A)(i) and (2) are condensed into the above subsection.

- ii) Total hazardous waste feed (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)); and

- iii) Total pumpable hazardous waste feed (unless complying with Tier I or adjusted Tier I metals feed rate screening limits under subsection 726.206 (b) or (e)).

- C) Total feed rate of total chlorine and chloride in total feed streams, except that facilities that comply with Tier I or Adjusted Tier I feed rate screening limits may set their operating limits at the total chlorine and chloride feed rate screening limits determined under subsection 726.207(b)(1) or (e).

- D) Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and lightweight aggregate kilns is not limited;

- E) CO concentration, and where required, HC concentration in stack gas. When complying with the CO controls of Section 726.204(b), the CO limit is 100 ppmv, and when complying with the HC controls of Section 726.204(c), the HC limit is 20 ppmv. When complying with the CO controls of Section 726.204(c), the CO limit is established based on the compliance test;

- F) Maximum production rate of the device in appropriate units when producing normal product unless complying with Tier I or Adjusted Tier I feed rate screening limits under subsection 726.206(b)(1) or (e), and for all metals under Section 726.207(b) or (e), and the uncontrolled particulate emissions do not

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exceed the standard under subsection 726.205;

- G) Maximum combustion chamber temperature where the gases are cooled before being released into the atmosphere, and the feed rate of any quench water injection, (unless complying with the Tier I adjusted limits under Section 726.206(b) or (e));
- H) Maximum flue gas temperature entering a PM control device (unless complying with Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));
- I) For systems using wet scrubbers, including wet scrubbers, venturi scrubbers, and electrostatic precipitators, the minimum differential gas pressure across the venturi (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));
- i) Minimum liquid to flue gas ratio;
- ii) Minimum scrubber blowdown from the system or maximum suspended solids content of scrubber water; and
- iii) Minimum pH level of the scrubber water;
- J) For systems using venturi scrubbers, the minimum differential gas pressure across the venturi (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));
- K) For systems using dry scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));
- i) Minimum caustic feed rate; and
- ii) Maximum flue gas flow rate;
- L) For systems using wet ionizing scrubbers or electrostatic precipitators (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));
- i) Minimum electrical power in kVA to the precipitator plates; and
- ii) Maximum flue gas flow rate;

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- M) For systems using fabric filters (baghouses), the minimum pressure drop (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).
- 2) Prior notice of compliance testing. At least 30 days prior to the compliance testing required by subsection (c)(3), the owner shall notify the Agency and submit the following information:
- A) General facility information including:
- USEPA facility ID number;
 - Facility name, contact person, telephone number and address;
 - Person responsible for conducting compliance test, including company name, address and qualifications;
 - Planned date of the compliance test;
- B) Specific information on each device to be tested including:
- Description of BIF;
 - A scaled plot plan showing the entire facility and location of the BIF;
 - A description of the APCs;
 - Identification of the continuous emission monitors that are installed, including: CO monitor; Oxygen monitor; HC monitor, specifying the minimum temperature of the system and, if the minimum temperature is less than 150 °C, an explanation of why a heated system is not used (see subsection (c)(5), below) and a brief description of the sample gas conditioning system;
 - Indication of whether the stack is shared with another device that will be in operation during the compliance test;
 - Other information useful to an understanding of the system design or operation.
- C) Information on the testing planned, including a complete copy of the test protocol and QA/QC plan, and a summary description for each test providing the following information at a minimum:

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- i) Purpose of the test (e.g., demonstrate compliance with emissions of PM); and
- ii) Planned operating conditions, including levels for each pertinent parameter specified in subsection (c)(1), above.

3) Compliance testing.

- a) General. Compliance testing must be conducted under conditions for which the owner or operator has submitted a certification of precompliance under subsection (b), above, and under conditions established in the notification of compliance testing required by subsection (c)(2), above. The owner or operator shall use the test method specified in the notification to use compliance test data from one unit in lieu of testing a similar on-site unit. To support the request, the owner or operator shall provide a comparison of the hazardous waste burned and other feedstreams, and the design, operation, and maintenance of the unit, with the similar unit. The Agency shall provide a written approval to use compliance test data in lieu of testing a similar unit if the Agency finds that the hazardous wastes, devices and the operating conditions are sufficiently similar, and the data from the other compliance test unit are adequate to meet the requirements of this subsection (c).

- b) Special requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle collected PM from the APCS shall comply with one of the following procedures for testing to determine compliance with the metals standards of Section 726.206(c) or (d):

- i) The special testing requirements prescribed in "Alternative Method for Implementing Metals Controls" in Section 726. Appendix I ("eye"); or
- ii) Stack emissions testing for a minimum of 6 hours each day while hazardous waste is burned during normal operating conditions, and during the test when burning normal hazardous waste for that day at normal feed rates for that day and when the APCS is operated under normal conditions. During interim status, hazardous waste analysis for metals content will be sufficient for the metals content to determine if change in the metals content affect the ability of the unit to meet the metals emissions standards established under Section 726.206(c) or (d). Under this option, operating limits (under subsection (c)(2)) and the data from the other compliance testing (under subsection (c)(3)) only on the following parameters: Feed rate of

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total hazardous waste; Total feed rate of total chlorine and chloride in total feed streams; Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns, except for light aggregate kilns, is not limited; CO concentration where indicated; and the concentration in stack gas; Maximum production rate of the device in appropriate units when producing normal product; or

- iii) Conduct compliance testing to determine compliance with the metals standards to establish limits on the operating parameters of subsection (c)(1), above, only after the kiln system has been conditioned to enable it to reach equilibrium with respect to metals fed into the system. Compliance testing shall be conducted during the conditioning, hazardous waste and raw materials having the same metals content as will be fed during the compliance test must be fed at the feed rates that will be fed during the compliance test.

c) Conduct of compliance testing.

- i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of tests, the owner or operator shall conduct additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

- ii) Prior to obtaining test data for purposes of demonstrating compliance with the applicable emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the facility must operate the system under normal conditions for a sufficient period to reach steady-state operations. Industrial furnaces that recycle collected PM back into the furnace and that comply with subsections (c)(3)(B)(i) or (ii), however, need not reach steady state before obtaining test data. The test data shall be the system prior to beginning compliance testing for metals.

- iii) Compliance test data on the level of an parameter for which compliance must be established in the notification of compliance testing must be obtained during emissions sampling for the pollutant(s) (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by subsection (c)(1), above.

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- 4) Certification of compliance. Within 90 days of completing compliance testing, the owner or operator shall certify to the Agency compliance with the emissions standards of Sections 726.204(b), (c) and (e), 726.205, 726.206, 726.207, and 726.208. The certification of compliance must include the following information:

A) General facility and testing information including:

- i) USPA facility ID number;
- ii) Facility name, contact person, telephone number and address;
- iii) Person responsible for conducting compliance testing, including company name, address and qualifications;

iv) Date(s) of each compliance test;

v) Description of BIF tested;

- vi) Person responsible for QA/QC, title and telephone number, and statement that procedures prescribed in the QA/QC plan submitted under Section 726.203(c)(2)(C) have been followed, or a description of any changes and an explanation of why changes were necessary.

- vii) Description of any changes in the unit configuration prior to or during testing that would alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2)(C), and an explanation of why the changes were necessary;

- viii) Description of any changes in the planned test conditions prior to or during the testing that alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2)(C), above, and an explanation of why the changes were necessary; and

- ix) The complete report on results of emissions testing.

B) Specific information on each test including:

- i) Purpose(s) of test (e.g., demonstrate conformance with the emissions limits for PM, metals, HCl, chlorine gas and CO)

- ii) Summary of test results for each run and for each test including the following information: Date of run; Duration of run; Time-weighted average and highest hourly rolling average CO level for each run and for the test; Highest

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hourly rolling average HC level, if HC monitoring is required for each run and for the test; if dioxin and furan testing is required for each run and for the test, the highest average emissions for each run and for the test of chlorinated dioxin and furan emissions, and the predicted maximum annual average ground level concentration of the toxicity equivalency factor (defined in Section 726.200(g)); Time-weighted average PM₁₀ and time-weighted average test; Time-weighted average HCl and chlorine gas emissions for each run and for the test; Time-weighted average emissions for the metals subject to regulation under Section 726.206 for each run and for the test; and QA/QC results.

- C) Comparison of the actual emissions during each test with the emissions limits prescribed by Sections 726.204(b), (c) and (e), 726.205, 726.206 and 726.207 and established for the facility in the certification of precompliance under subsection (b), above.

- D) Determination of operating limits based on all valid runs of the compliance test for each applicable parameter listed in subsection (c)(1), above, using either of the following procedures:

- i) Instantaneous limits. A parameter must be measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the operating limit specified as the time-weighted average during all runs of the compliance test; or

- ii) Hourly rolling average basis. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(g). The operating limit for the parameter must be established as the highest average of the highest hourly rolling average value for each run.

- iii) Rolling average limits for carcinogenic metals and lead. Feed rate limits for the carcinogenic metals and lead must be established on an hourly rolling average basis as prescribed by an subsection (c)(4)(D)(ii), above, or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an averaging period from 2 to 24 hours: The feed rate of each metal must be established as the highest average of the highest hourly rolling average rate that would be allowed on a hourly rolling average basis; The continuous monitor is as defined in Section 726.200(g). And the operating limit for the feed rate of each metal must be established based on compliance test data as the average over all test runs of the

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highest hourly rolling average feed rate for each run.

- iv) Feed rate limits for metals, total chlorine and ash. Feed rate limits for metals, chlorine and ash are determined and established and monitored by measuring the concentration of the substance (i.e., metals, chlorine/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of these substances must be under the continuous monitoring requirements of subsections (c)(4)(D)(i) through (iii), above.

E) Certification of compliance. The following statement must accompany the certification of compliance:

"I certify under penalty of law that this information was prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information. I understand that any false statements or omissions in this statement are subject to criminal sanctions, including fines and imprisonment for knowing violations.

I also acknowledge that the operating limits established pursuant to 35 Ill. Adm. Code 726.204(c) and (d) are the only limits which the facility can legally operate during interim status until a revised certification of compliance is submitted."

- 5) Special requirements for HC monitoring systems. When an owner or operator of a facility subject to the controls provided by Sections 726.204(c) or subsection (a)(5)(A)(iv), above, a conditioned gas monitoring system may be used in conformance with specifications provided in Section 726.204(f). However, owners or operators of facilities subject to the controls provided by Sections 726.204(a) through (d) may not use a gas monitoring system without using a certified gas monitoring system. However, owners or operators of facilities subject to the controls provided by Sections 726.204(f) and requesting a time extension under Section 726.204(b) may establish the baseline HC level and comply with the interim HC limit established by the time extension

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using a conditioned gas monitoring system if the Board determines that the system has been demonstrated to provide a good faith effort to operate a heated monitoring system but found it to be impracticable.

Special operating requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCs must:

- A) When complying with the requirements of subsection (c)(3)(B)(i), above, comply with the operating requirements prescribed in "Alternative Method to Test for Metals Controls" in Section 726.206-Appendix I ("eye"); and
- B) When complying with the requirements of subsection (c)(3)(B)(ii), above, comply with the operating requirements prescribed by that subsection.
- 7) Extensions of time.

A) If the owner or operator does not submit a complete certification of compliance for all of the applicable sections of Sections 726.204, 726.206, 726.207, 726.208, 726.209, 726.206 and 726.207 by August 21, 1992, the owner or operator shall either:

- i) Stop burning hazardous waste and begin closure activities under subsection (l), below, for the hazardous waste portion of the facility; or
- ii) Limit hazardous waste burning only for purposes of compliance testing (and pretesting to prepare for compliance testing) a total period of 720 hours or the period of time beginning August 21, 1992, and ending August 21, 1992, whichever is later. During this period, the owner or operator shall submit a complete certification of compliance by August 23, 1993; or
- iii) Obtain a case-by-case extension of time under subsection (c)(7)(B), below.

B) Case-by-case extensions of time. See Section 726.219. Revised certification of compliance. The owner or operator may submit at any time a revised certification of compliance (recertification of compliance) under the following procedures:

- A) Prior to submittal of a revised certification of compliance, hazardous waste must not be burned for more than a total of 720 hours under operating conditions that exceed those established under a current certification of compliance, and such burning

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must be conducted only for purposes of determining whether the facility can operate under revised conditions and continue to meet the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207.

- B) At least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator shall notify the Agency and submit the following information:

- i) USEPA facility ID number, and facility name, contact person, telephone number and address;
- ii) Operating conditions that the owner or operator is seeking to change, and the reasons why the changes in facility design or operation that prompted the need to seek to revise the operating conditions;
- iii) A determination that, when operating under the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 are not likely to be exceeded. To document this determination, the owner or operator shall submit the applicable information required under subsection (b)(2), above; and
- iv) Complete emissions testing protocol for any pretesting and for a new compliance test to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207, and the testing protocol shall include a schedule of pre-testing and compliance testing. If the owner or operator revises the scheduled date for the compliance test, the owner or operator shall notify the Agency of the date of the test days prior to the revised date of the compliance test;

- C) Conduct a compliance test under the revised operating conditions and the protocol submitted to the Agency to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207; and

- D) Submit a revised certification of compliance under subsection (c)(4), above.

- d) Periodic Recertification. The owner or operator shall conduct compliance testing and submit to the Agency a recertification of compliance under provisions of subsection (c), above, within three years from submitting the previous certification or recertification. If the owner or operator seeks to recertify

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compliance under new operating conditions, the owner or operator shall comply with the requirements of subsection (c)(8), above.

- e) Noncompliance with certification schedule. If the owner or operator does not comply with the interim status compliance schedule provided by subsections (b), (c) and (d), above, hazardous waste burning must terminate on the date that the deadline is missed, and hazardous waste burning must not resume except under a new certification of compliance. The deadline for the purpose of compliance with the closure provisions of subsection (1), below, and 35 Ill. Adm. Code 725.212(d)(2) and 725.213 the BIF has received "the known final volume of hazardous waste" on the date the deadline is missed.
- f) Start-up and shut-down. Hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine) must not be fed into the device during start-up and shut-down of the BIF, unless the device is operating within the conditions of operation specified in the certification of compliance.
- g) Automatic waste feed cutoff. During the compliance test required by subsection (c)(3), above, and upon certification of compliance under subsection (c), above, a BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when the applicable operating conditions specified in subsections (c)(3)(A) and (3)(B) are exceeded. If the feed rate of subsections (c)(3)(A) and (3)(B) through (R), above, deviate from the values published in the certification of compliance. In addition:
 - 1) To minimize emissions of organic compounds, the minimum combustion chamber temperature (or the indicator of combustion chamber temperature) must be maintained during the compliance test must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber, with the minimum temperature during the compliance test defined as either:
 - a) If compliance with the combustion chamber temperature limit is based on a hourly rolling average, the minimum temperature during the compliance test is considered to be the average over all runs of the lowest hourly rolling average for each run; or
 - b) If compliance with the combustion chamber temperature limit is based on an instantaneous temperature measurement, the minimum temperature during the compliance test is considered to be the time-weighted average temperature during all runs of the test; and
 - 2) Operating parameters limited by the certification of compliance must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the limits established in the certification of compliance.
- h) Fugitive emissions. Fugitive emissions must be controlled by:

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- 1) Keeping the combustion zone totally sealed against fugitive emissions; or
- 2) Maintaining the combustion zone pressure lower than atmospheric pressure; or
- 3) An alternate means of control that the owner or operator finds sufficient to maintain the combustion zone equivalent to maintenance of combustion zone pressure lower than atmospheric pressure. Support for such demonstration must be included in the operating record.

- 4) Changes. A BIF must cease burning hazardous waste when combustion is initiated or feed rate of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits specified in the certification of compliance.

3) Monitoring and Inspections.

- 1) The owner or operator shall monitor and record the following, at a minimum, while burning hazardous waste:

- A) Feed rates and composition of hazardous waste, other fuels, ash, metals, and total chlorine and chloride as necessary to ensure conformance with the certification of precompliance or certification of compliance;
- B) CO, oxygen and, if applicable, HC, on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with the operating limits specified in the certification of compliance. CO, HC and oxygen monitors must be installed, operated and maintained in accordance with the methods specified in Section 726.205, Appendix I ("eye").

- C) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial feedstocks) and the stack gas feedstocks and stack gas emissions must be conducted to verify that the operating conditions established in the certification of precompliance or certification of compliance achieve the applicable standards of Sections 726.204, 726.205, 726.206 and 726.207.

- 2) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when they contain hazardous waste, at least daily for leaks, spills, fugitive emissions and signs of tampering.

- 3) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every 7 days when hazardous waste is burned to verify operability, unless the owner or operator can demonstrate that weekly

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inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. Support for such demonstration must be included in the operating record. At a minimum, operational testing must be conducted at least once every 30 days.

- 4) These monitoring and inspection data must be recorded and the records must be placed in the operating log.
- k) Recordkeeping. The owner or operator shall keep in the operating record of the facility all information and data required by this Section until closure of the BIF unit.

- l) Closure. At closure, the owner or operator shall remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters and scrubber sludges) from the BIF and shall comply with 35 Ill. Adm. Code 725.211 through 725.215.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 726.204 Standards to control Organic Emissions

a) DRE standard.

- 1) General. Except as provided in subsection (a)(3), below, a BIF burning hazardous waste must achieve a DRE of 99.99% for all organic hazardous constituents in the waste feed. To demonstrate conformance with this requirement, 99.99% DRE must be demonstrated during a trial burn for each principal hazardous constituent (POHC) designated (under subsection (a)(2) below) in the waste feed. The DRE for each POHC is determined for each POHC from the following equation:

$$DRE = 100(1 - O)/I$$

where:

I = Mass feed rate of one POHC in the hazardous waste fired to the BIF; and

O = Mass emission rate of the same POHC present in stack gas prior to release to the atmosphere.

- 2) Designation of POHCs. POHCs are those compounds for which compliance with the DRE requirements of this Section must be demonstrated in a trial burn in conformance with procedures prescribed in 35 Ill. Adm. Code 701.232. One or more POHCs must be designated for each hazardous waste feed to be burned. POHCs must be designated based on the degree of difficulty of destruction of the organic constituents in the waste and on their concentrations or mass in the waste feed considering the results of waste analyses submitted with the permit application. Designation of POHCs must be made by the owner or operator and must be included in the normal waste feed. However, if the applicant demonstrates to the Agency that a compound not listed in 35 Ill. Adm. Code

721. Appendix H or not present in the normal waste feed is a suitable indicator of compliance with the DRE requirements of this Section, that compound must be listed in Appendix H as a POHC. Such POHCs need not be toxic or organic compounds.

- 3) Dioxin-listed waste. A BIF burning hazardous waste containing (or derived from) USEPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027 must achieve 99.9999% destruction and removal under subsection (a)(2), above, in its permit. This performance must be demonstrated on POHCs that are more difficult to burn than tetra-, penta- and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in subsection (a)(1), above. In addition, the intent to burn USEPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027.
- 4) Automatic waiver of DRE trial burn. Owners and operators of boilers operated under the special operating requirements provided by Section 726.209(a) are exempt from the DRE standard of subsection (a)(1), above, and are exempt from the DRE trial burn.
- 5) Low risk waste. Owners and operators of BIFs that burn hazardous waste in compliance with the requirements of Section 726.209(a) are exempt from the DRE standard of subsection (a)(1), above, and are exempt from the DRE trial burn.
- CO standard.
- 1) Except as provided in subsection (c), below, the stack gas concentration of CO from a BIF burning hazardous waste cannot exceed 100 ppmw on an hourly rolling average basis (i.e., over any 60 minute period), continuously corrected to 7 percent oxygen, dry gas basis.
- 2) CO and oxygen must be continuously monitored in conformance with the performance specifications for Continuous Emission Monitoring of Carbon Monoxide and Oxygen for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Section 726-Appendix I ("eye").
- 3) Compliance with the 100 ppmw CO limit must be demonstrated during a trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). To demonstrate compliance, the highest hourly rolling average CO level during any valid run of the trial burn or compliance test must not exceed 100 ppmw.
- c) Alternative CO standard.
- 1) The stack gas concentration of CO from a BIF burning hazardous waste may exceed the 100 ppmw limit provided that stack gas concentration does not exceed 20 ppmw except as provided by subsection (f), below, for certain

industrial furnaces.

- 2) HC limits must be established under this Section on an hourly rolling average basis (i.e., over any 60 minute period), reported as propane, and continuously corrected to 7 percent oxygen, dry gas basis.
- 3) HC must be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Hydrocarbons for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Section 726-Appendix I ("eye"). CO and oxygen must be continuously monitored in conformance with subsection (b)(2), above.
- 4) The alternative CO standard is established based on CO data during the trial burn (for a new facility) and the compliance test (for an interim status facility). The alternative CO standard is the average over all valid runs of the highest hourly average CO level for each run. The CO data must be continuously monitored during the trial burn and continuously corrected to 7 percent oxygen, dry gas basis.
- d) Special requirements for furnaces. Owners and operators of industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see Section 726.209(a)) are exempt from the DRE standard where products are normally discharged and where fuels are normally fired must comply with the HC limits provided by subsections (c), above, or (f), below, irrespective of whether stack gas CO concentrations meet the 100 ppmw limit of subsection (b), above.
- e) Controls for dioxins and furans. Owners and operators of BIFs that are equipped with a dry PM control device that operates within the temperature range of 450 through 750 °F, and industrial furnaces operating under an alternative HC limit established under subsection (f), below, shall conduct a site-specific risk assessment as follows to demonstrate that emissions of chlorinated dioxins and furans are not likely to cause an increased lifetime cancer risk to the hypothetical maximum exposed individual (MEI) exceeding 1E-05 (1 in 100,000):
- 1) During the trial burn (for new facilities or an interim status facility applying for a permit) or compliance test (for interim status facilities), the highest hourly rolling average of the tetra-octa congeners of chlorinated dibenzo-p-dioxins and (PCDDs) and dibenzofurans (CDDs/CDFs) using Method 23, "Determination of Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans (PCDFs) from Stationary Sources", in Section 726-Appendix I ("eye");
- 2) Estimate the 2,3,7,8-TCDD toxicity equivalence of the tetra-octa CDDs/CDFs congeners using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners" in Section 726-Appendix I ("eye"). Multiply the emission rates of CDD/CDP congeners with a toxicity equivalence factor (TEF) from the table provided by the calculated toxicity equivalence factor to estimate the equivalent emission rate of 2,3,7,8-TCDD;

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- b) Use of emissions test data to demonstrate compliance and establish operating limits. Compliance with the requirements of this Section must be demonstrated simultaneously by emissions testing or during separate runs under identical operating conditions. Emissions test data to demonstrate compliance with the requirements of this Section or to establish alternative CO or HC limits under this Section must be obtained during the time that DRE testing, and where applicable, CDD/CDF testing under subsection (e), above, and comprehensive organic emissions testing under subsection (f), above, is conducted.

- i) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit under Section 726.202 will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section shall be considered as prima facie evidence of non-compliance and a permit under 35 Ill. Adm. Code 726.270 et seq. (Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 726.206 Standards to control Metals Emissions

- a) General. The owner or operator shall comply with the metals standards provided by subsections (b), (c), (d), (e) or (f), below, for each hazardous waste at subsection (b), below, that is present in the hazardous waste at detectable levels using analytical procedures specified in Test Methods for Evaluating Solid Wastes by the Environmental Protection Agency (EPA-846), incorporated by reference in 35 Ill. Adm. Code 720.111.
- b) Tier I feed rate screening limits. Feed rate screening limits for metals are specified in Section 726.Appendix A as a function of terrain-adjusted effective stack height (TESH) and terrain and wind speed. The screening limits for metals for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7), below.

- 1) Noncarcinogenic metals. The feed rates of the noncarcinogenic metals in all feed streams, including noncarcinogenic metals in all feed streams, including noncarcinogenic metals in all feed streams, must not exceed the screening limits specified in Section 726.Appendix A.

- A) The feed rate screening limits for antimony, barium, mercury, thallium and silver are based on either:

- i) An hourly rolling average as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii); or
- ii) An instantaneous limit not to be exceeded at any time.

- B) The feed rate screening limit for lead is based on one of the following:

- i) An hourly rolling average as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii);

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- ii) An averaging period of 2 to 24 hours as defined in Section 726.202(e)(6)(B) with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis; or
- iii) An instantaneous limit not to be exceeded at any time.

2) Carcinogenic metals.

- A) The feed rates of carcinogenic metals in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed values derived from the screening limits specified in Section 726.Appendix A. The feed rate of each of these metals is limited to a level such that the sum of the ratios of the feed rate of each metal to the screening limit specified in Section 726.Appendix A must not exceed 1.0, as provided by the following equation:

$$\text{SUM}(A_i/F_i) \leq 1.0$$

where:

SUM(Xi) means the sum of the values of X for each metal "i", from i = 1 to n.

n = number of carcinogenic metals

A_i = actual feed rate to the device for metal "i"

F_i = feed rate screening limit provided by Section 726.Appendix A for metal "i".

- B) The feed rate screening limits for the carcinogenic metals are based on either:

- i) An hourly rolling average; or

- ii) An averaging period of 2 to 24 hours, as defined in Section 726.202(e)(6)(B), with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis.

- 3) TESH (terrain adjusted effective stack height).

- A) The TESH is determined according to the following equation:

$$\text{TESH} = H + P - T$$

where:

H = Actual physical stack height (m)

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P = Plume rise (in m) as determined from Section 726.200(g).
 T = Terrain rise (in m) within five kilometers of stack flow rate and stack gas exhaust temperature.

T = Terrain rise (in m) within five kilometers of the stack.

- B) The stack height (H) must not exceed good engineering practice stack height, as defined in Section 726.200(g).

- C) If the TESH calculated pursuant to subsection (b)(3)(A) above, is not listed in Appendix A through C, the values for the nearest lower TESH listed in the table must be used. If the TESH is four meters or less, a value based on four meters must be used.

- 4) Terrain type. The screening limits are a function of whether the facility is located in noncomplex or complex terrain. A device located where any part of the surrounding terrain within five kilometers of the stack equals or exceeds the elevation of the physical stack height (H) is considered to be in complex terrain. The screening limits must be made from U.S. Geological Survey 7.5-minute topographic maps of the area surrounding the facility.

- 5) Land use. The screening limits are a function of whether the facility is located in areas where the land use is urban or rural. To determine whether land use in the vicinity of the facility is urban or rural, procedures provided in Appendices I ("eye") or J shall be used.

- 6) Multiple stacks. Owners and operators of facilities with more than one stack must submit a BIP, incinerator or other thermal treatment unit subject to controls of metals emissions under a RCRA permit or interim status controls shall comply with the screening limits for all such units assuming all hazardous waste is fed into the device with the lowest value of K. The screening limits for the stack with the lowest value of K is the worst-case stack. K is determined from the following equation as applied to each stack:

$$K = H \cdot V \cdot T$$

Where:

K = a parameter accounting for relative influence of stack height and plume rise;

H = physical stack height (meters);

V = stack gas flow rate (cu m/second); and

T = exhaust temperature (degrees K).

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- 7) Criteria for facilities not eligible for screening limits. Screening limits shall not apply. Owners and operators of such facilities shall comply with either the Tier III standards provided by subsection (d), below or with the adjusted Tier I feed rate screening limits provided by subsection (e) below.

- A) The device is located in a narrow valley less than one kilometer wide;
- B) The device has a stack taller than 20 meters and is located within five kilometers of the physical height within one kilometer of the facility;
- C) The device has a stack taller than 20 meters and is located within five kilometers of a shoreline of a large body of water such as an ocean or large lake;
- D) The physical stack height of any stack is less than 2.5 times the height of any building within five building heights or five projected building widths of the stack and the distance from the stack to the closest boundary is within five building heights or five projected building widths of the associated building; or

- 8) Implementation. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate screening limits are not exceeded.

- c) Tier II emission rate screening limits. Emission rate screening limits are specified in Section 726. Appendix A as a function of TESH and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7), above.

- 1) Noncarcinogenic metals. The emission rates of noncarcinogenic metals must not exceed the screening limits specified in Section 726. Appendix A.

- 2) Carcinogenic metals. The emission rates of carcinogenic metals must not exceed values derived from the screening limits specified in Section 726. Appendix A. The emission rate of each of these metals is limited to a level such that the sum of the ratios of the actual emission rate to the emission rate screening limit specified in Section 726. Appendix A must not exceed 1.0, as provided by the following equation:

$$\sum (A_i/E_i) \leq 1.0$$

where:

$\sum (A_i/E_i)$ means the sum of the values of X for each metal i, from $i = 1$ to n.

n = number of carcinogenic metals

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A_i = actual emission rate for metal "i"

E_i = emission rate screening limit provided by Section 726.200(g) for metal "i".

- 3) Implementation. The emission rate limits must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A) and (B) of this Subpart. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.
- 4) Definitions and limitations. The definitions and limitations provided by subsection (b), above, and 726.200(g) for the following terms also apply to the Tier II emission rate screening limits provided by this subsection (c): TESH, good engineering practice stack height, terrain type, land use and criteria for facilities not eligible to use the screening limits.
- 5) Multiple stacks.
 - A) Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal processing unit must ensure that the feed rates of metals under a RCRA permit or interim status controls shall comply with the emissions screening limits for any such stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.
 - B) The worst-case stack is determined by procedures provided in subsection (b)(6), above.
 - C) For each metal, the total emissions of the metal from those stacks must not exceed the screening limit for the worst-case stack.
- d) Tier III site-specific risk assessment. The requirements of this subsection apply to facilities complying with either the Tier III or Adjusted Tier I except where specified otherwise.
 - 1) General. Conformance with the Tier III metals controls must be demonstrated by emissions testing to determine the emission rate for each metal. In addition, conformance with either Tier III or Adjusted Tier I metals controls must be demonstrated by air dispersion modeling to predict the maximum averaging off-site ground level concentration for each metal and to demonstrate that acceptable ambient levels are not exceeded.
 - 2) Acceptable ambient levels. Appendices D and E list the acceptable ambient levels for purposes of this Subpart.

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Reference air concentrations (RACs) are listed for the noncarcinogenic metals and 1E-05 RSDs are listed for the carcinogenic metals. The RSD for a metal is the acceptable ambient level for that metal provided that only one of the four carcinogenic metals is emitted. If more than one carcinogenic metal is emitted, the acceptable ambient level for carcinogenic metals is the lowest of the acceptable level for carcinogenic metals as follows:

For carcinogenic metals, the following equation must be described in subsection (d)(3), below.

3) Carcinogenic metals. For the carcinogenic metals the sum of the ratios of the predicted maximum annual average off-site ground level concentrations except that on-site emissions on the feedstream (from the facility or from the feedstream on site) to the RSD for all carcinogenic metals emitted must not exceed 1.0 as determined by the following equation:

$$\text{SUM}(P_i/R_i) \leq 1.0$$

where:

SUM(Xi) means the sum of the values of X for each metal i, from i = 1 to n.

n = number of carcinogenic metals

P_i = Predicted ambient concentration for metal i.

R_i = RSD for metal i.

- 4) Noncarcinogenic metals. For the noncarcinogenic metals, the predicted maximum annual average off-site ground level concentration for each metal must not exceed the RAC.
- 5) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal processing unit must ensure that the feed rates of metals under a RCRA permit or interim status controls shall conduct emissions testing (except that facilities complying with Adjusted Tier I controls need not conduct emissions testing) and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels.
- 6) Implementation. Under Tier III, the metals controls must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A) and (B) of this Subpart. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.
- e) Adjusted Tier I feed rate screening limits. The owner or operator

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may adjust the feed rate screening limits provided by Section 726.Appendix A to account for site-specific dispersion modeling. This approach may be used to determine the screening limit for a unit. In determining the screening limit, the owner or operator shall use the ambient levels provided by Appendices D and E using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit. The feed rate screening limits for carcinogenic metals are implemented as prescribed in subsection (b)(2), above.

f) Alternative implementation approaches.

- 1) Pursuant to subsection (f)(2), below, the Agency shall approve on a case-by-case basis approaches to implement the emission limits provided by subsections (c) or (d), above, alternative to monitoring the levels of metals in each feedstream.
- 2) The emission limits provided by subsection (d), above, must be determined as follows:
 - A) For each noncarcinogenic metal, by back-calculating from the RAC provided in Section 726.Appendix D to determine the allowable emission rate for each metal using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h), below; and
 - B) For each carcinogenic metal by:
 - i) Back-calculating from the RSD provided in Section 726.Appendix E to determine the allowable emission rate for each metal if that metal were the only carcinogenic metal emitted using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h), below; and
 - ii) If more than one carcinogenic metal is emitted, selecting an emission limit for each carcinogenic metal not to exceed the emission rate provided by subsection (f)(2)(B)(i), above, such that the sum for all carcinogenic metals of the ratios of the selected emission limit to the emission rate determined by that subsection does not exceed 1.0.

g) Emission testing.

- 1) General. Emission testing for metals must be conducted using the Multiple Metals Train as described in Section 726.Appendix I ("eye").
- 2) Hexavalent chromium. Emissions of chromium are assumed to be hexavalent chromium unless the owner or operator conducts emissions testing to determine hexavalent chromium emissions.

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using procedures prescribed in Section 726.Appendix I ("eye").

- b) Dispersion modeling. Dispersion modeling required under this Section must be conducted according to methods recommended in Section 726.Appendix J, the "Hazardous Waste Combustion Air Quality Screening Procedure" described in Section 726.Appendix I ("eye"), or "EPA SCREEN Screening Procedure" as described in Section 726.Appendix K, the "EPA SCREEN Screening Procedure" as described in Stationary Sources (the latter document is hereby incorporated by reference, see 35 Ill. Adm. Code 720.111) to predict the maximum annual average off-site ground level concentration. However, on-site concentrations must be considered when a person resides on-site.
- c) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section shall be considered in the modification of the permit and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq. (Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 726.207 Standards to Control HCl and Chlorine Gas Emissions

- a) General. The owner or operator shall comply with the HCl and chlorine gas controls provided by subsections (b)-(e) or (e), below.
- b) Screening limits.
 - 1) Tier I feed rate screening limits. Feed rate screening limits are specified for total chlorine in Section 726.Appendix B as a function of TESH and terrain and land use in the vicinity of the facility. The feed rate of total chlorine shall be calculated based on both organic and inorganic, in all feed streams, including those from the feedstocks and the industrial furnace feed stocks must not exceed the levels specified.
 - 2) Tier II emission rate screening limits. Emission rate screening limits are specified for total chlorine in Section 726.Appendix C as a function of TESH and terrain and land use in the vicinity of the facility. The stack emission rates of HCl and chlorine gas must not exceed the levels specified.
 - 3) Definitions and limitations. The definitions and limitations provided by Section 726.200(g) and 726.206(b) for the following terms also apply to the screening limits provided by this subsection: TESH, good engineering practice stack height, terrain type, land use and criteria for facilities not eligible to use the screening limits.
 - 4) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other

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thermal treatment unit subject to controls on HCl or chlorine gas emissions. The RCRA permit or interim status controls shall comply with the Tier I and Tier II screening limits for those stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.

- a) The worst-case stack is determined by procedures provided in Section 726.206(b)(6).
- b) Under Tier I, the total feed rate of chlorine and chloride to all subject devices must not exceed the screening limit for the worst-case stack.
- c) Under Tier II, the total emissions of HCl and chlorine gas from all subject stacks must not exceed the screening limit for the worst-case stack.
- c) Tier III site-specific risk assessments.
 - 1) General. Conformance with the Tier III controls must be demonstrated by emissions testing to determine the emission rate for HCl and chlorine gas, air dispersion modeling to predict the maximum annual average off-site ground level concentration for each compound, and a demonstration that acceptable ambient levels are not exceeded.
 - 2) Acceptable ambient levels. Section 726-Appendix D lists the RACs for HCl (7 ug/cu m) and chlorine gas (0.4 ug/cu m).
 - 3) Multiple stacks. Owners and operators of facilities with more than one stack must conduct a BIP for each stack. Other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls shall conduct emissions testing and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels for HCl and chlorine gas.
 - d) Averaging periods. The HCl and chlorine gas controls are implemented by limiting the feed rate of total chlorine and chloride in all feedstreams, including hazardous waste, fuels and other thermal treatment sectors. Under Tier I, the feed rate of total chlorine and chloride is limited to the Tier I screening limits. Under Tier II and Tier III, the feed rates of total chlorine and chloride is limited to the feed rates during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate limits are based on either:
 - 1) An hourly rolling average as defined in Section 726.200(g) and 726.202(e)(6); or
 - 2) An instantaneous basis not to be exceeded at any time.
 - e) Adjusted Tier I feed rate screening limits. The owner or operator may adjust the feed rate screening limit provided by Section 726-Appendix B to account for site-specific dispersion modeling.

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Under this approach, the adjusted feed rate screening limit is determined by back-calculating from the acceptable ambient level for chlorine gas provided by Section 726-Appendix D using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit.

- f) Emissions testing. Emissions testing for HCl and chlorine gas must be conducted using the procedures described in Section 726-Appendix I ("eye").
- g) Dispersion modeling. Dispersion modeling must be conducted according to the provisions of Section 726.206(h).
- h) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is not being achieved may be used to justify enforcement action. This Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 726.212 Regulation of Residues

A residue derived from the burning or processing of hazardous waste in a BIP is not excluded from the definition of a hazardous waste under 35 Ill. Adm. Code 721.104(b)(4), (7) or (8) unless the device and the owner or operator meet the following requirements:

- a) The device meets the following criteria:
 - 1) Boilers. Boilers must burn at least 50% coal on a total heat input or mass basis, whichever results in the greater mass feed rate of coal;
 - 2) Ore or mineral furnaces. Industrial furnaces subject to 35 Ill. Adm. Code 721.104(b)(7) must process at least 50% by weight normal, nonhazardous raw materials;
 - 3) Cement kilns. Cement kilns must process at least 50% by weight normal cement-production raw materials;
- b) The owner or operator demonstrates that the hazardous waste does not significantly affect the residue by demonstrating conformance with either of the following criteria:
 - 1) Comparison of waste-derived residue with normal residue. The waste-derived residue must not contain 35 Ill. Adm. Code 721-Appendix H constituents (toxic constituents) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, and the waste-derived residue must not contain toxic constituents reasonably attributable to burning or processing the hazardous waste (constituents of concern) include organic constituents in the hazardous waste, and the organic

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compounds listed in 35 Ill. Adm. Code 721-Appendix H that are not listed in Section 726-Appendix G, shall be analyzed with procedures prescribed in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

- A) Normal residue. Concentrations of toxic constituents in waste-derived residue must be based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation. Composite samples may be used to develop a sample for analysis provided that the compositing period does not exceed 24 hours. The upper tolerance limit (at 95% confidence with a 95% detection limit) shall be used to determine the concentration in the normal residue shall be considered the statistically-derived concentration in the normal residue. If changes in raw materials or fuels reduce the statistically-derived concentrations of toxic constituents in waste-derived residue, the residue that is statistically-derived concentrations must be revised or statistically-derived concentrations of toxic constituents in normal residue must be established for a new mode of operation with the new raw material or fuel. To determine the upper tolerance limit in the waste-derived residue, the operator shall use statistical procedures prescribed in "Statistical Methodology for Bevill Residue Determinations" in Section 726-Appendix I ("eye").

- B) Waste-derived residue. Waste derived residue must be analyzed to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the concentrations established for the normal residue under subsection (b)(1)(A), above. If so, hazardous waste burning has occurred and the waste-derived residue must not be excluded from the definition of "hazardous waste". Concentrations of toxic constituents in waste-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be analyzed over a 24-hour period. The sampling period provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent must be the arithmetic mean of the concentrations in the samples. No results can be disregarded, or comparison of waste-derived residue concentrations with health-based limits.
- 2) Comparison of waste-derived residue concentrations with health-based limits.

- A) Nonmetal constituents. The concentrations of nonmetal toxic constituents of concern (specified in subsection (b)(1), above) in the waste-derived residue must not exceed the health-based levels specified in Section 726-Appendix G, or the level of detection (using

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analytical procedures described in SW-846 incorporated by reference in 35 Ill. Adm. Code 721-Appendix H, shall be analyzed with procedures prescribed in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, incorporated by reference in 35 Ill. Adm. Code 720.111(a). The upper tolerance limit for a constituent of concern is not listed in Section 726-Appendix G, then a limit of 0.002 ug/kg or the level of detection (using analytical procedures prescribed in SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111), whichever is higher, must be used; and

- B) Metal constituents. The concentration of metals in an extract obtained using the TCLP test must not exceed the levels specified in Section 726-Appendix G; and
- C) Sampling and analysis. Wastewater-derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24 hour period has concentrations of toxic constituents which are higher than the health-based levels. Concentrations of concern in waste-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed, the concentration of each toxic constituent must be the arithmetic mean of the concentrations of the samples. No results can be disregarded; and

- C) Records sufficient to document compliance with the provisions of this Section must be retained until closure of the BIP unit. At a minimum, the following must be recorded:

- 1) Levels of constituents in 35 Ill. Adm. Code 721-Appendix H that are present in waste-derived residues;
- 2) If the waste-derived residue is compared with normal residue under subsection (b)(1), above:
 - A) The levels of constituents in 35 Ill. Adm. Code 721-Appendix H that are present in normal residues; and
 - B) Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 726.219 Extensions of Time

The owner or operator may request a case-by-case extension of time to extend any time limit provided by Section 726.203(c). The operator shall file a petition for a RCRA variance pursuant to 35 Ill. Adm. Code 104. The Board will grant the variance if compliance with the time limit is not practicable

for reasons beyond the control of the owner or operator.

- a) In granting an extension, the Board will apply conditions as the facility complies with the requirements of Section 726.203 and that the facility operates in a manner that does not pose a hazard to human health and the environment;

- b) When an owner and operator requests an extension of time to enable the facility to comply with the requirements of Section 726.204(c), the facility must first obtain a RCRA permit because the facility cannot meet the HC limit of Section 726.204(c):

- 1) The Board will, in considering whether to grant the extension:

- A) Determine whether the owner and operator have submitted in a timely manner a complete Part B permit application that includes information required under 35 Ill. Adm. Code 703.208(b); and

- B) Consider whether the owner and operator have made a good faith effort to certify compliance with all other emission controls, including the controls on dioxins and furans of Section 726.204(e) and the controls on PM, metals and HCl/chlorine gas.

- 2) If an extension is granted, the Board will, as a condition of the extension, require the facility to operate under flue gas concentration limits on CO and HC that, based on available information, including information in the Part B permit application, are baseline CO and HC levels as defined by Section 726.204(f)(1).

BOARD NOTE: Derived from 40 CFR 266.103(c)(7)(ii), adopted at 56 Fed. Reg. 7206, February 21, 1991; and 56 Fed. Reg. 32688, July 17, 1991; and 57 Fed. Reg. 38566, August 25, 1992.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 726.Appendix I Methods Manual for Compliance with BIF Regulations

See "Methods Manual for Compliance with BIF Regulations". This document is available from two sources. It is available through MHS, Incorporated, 1000 North Dearborn, Chicago, Illinois 60610, by phone at 312/329-0266, Appendix II, adopted at 56 Fed. Reg. 32688, July 17, 1991 and amended at 57 Fed. Reg. 42511, August 27, 1991, 57 Fed. Reg. 38566, August 25, 1992, and 58 Fed. Reg. 45001, September 30, 1992, which is incorporated by reference. This incorporation includes no future editions or amendments.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

- 1) Heading of the Part: Standards for the Management of Used Oil

- 2) Code Citation: 35 Ill. Adm. Code 739

- 3) Section Numbers: Proposed Action:

739.100,	739.110,	739.111	New Section
739.112,	739.120,	739.121	New Section
739.122,	739.123,	739.124	New Section
739.130,	739.131,	739.132	New Section
739.140,	739.141,	739.142	New Section
739.143,	739.144,	739.145	New Section
739.146,	739.147,		New Section
739.150,	739.151,	739.152	New Section
739.153,	739.154,	739.155	New Section
739.156,	739.157,	739.158	New Section
739.159,	739.160,	739.161	New Section
739.162,	739.163,	739.164	New Section
739.165,	739.166,	739.167	New Section
739.170,	739.171,	739.172	New Section
739.173,	739.174,	739.175	New Section
739.180,	739.181,	739.176	New Section
Statutory Authority: Ill. Rev. Stat. 1991, ch. 111k, para. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].			

- 4) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's Proposed Opinion of May 27, 1993, in R93-4, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111k, par. 1022.4(a) [415 ILCS 5/22.4(a)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1992.

Specifically, the amendments to Part 739 manage used oil. USEPA has determined that recycled used oil is not a hazardous waste if managed according to the standards proposed today. New part 739 contains portions of sections outside the Board's identical in substance authority. However, the Board has concluded it has a mandate to adopt Part 739 because it replaces 35 Ill. Adm. Code 726.Subpart C, which is obsolete. The Board has determined that the adoption of Part 739 is in the best interest of the people of Illinois to avoid duplicative, overlapping and conflicting state and federal hazardous waste programs. The new part adopts definitions concerning the generation, transportation, collection, processing, burning and marketing of used oil. The new part states the presumption that used oil containing more than 1,000 ppm of hazardous materials is not a hazardous waste. The new part presumes that used oil is not a hazardous waste unless the presumption is rebutted. Mixtures of used oil and characteristic hazardous waste that exhibit a hazardous waste characteristic identified in 35 Ill. adm. Code 721.Subpart C is regulated as a hazardous waste. Material produced from used oil that are burned for energy recovery are subject to regulation under part 739. Standards for the storage, on-site burning and off-site shipments for used oil generators are

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provided. Standards for Do-it-yourselfer used oil collection centers, used oil collection centers and used oil aggregate rules are provided. Standards for used oil collection centers, used oil collection centers, including, restrictions, notification, transportation, rebuttable presumption for used oil, storage tracking and management. Standards for used oil processors are provided, including: notification, applicability, general facility standards, rebuttable presumption for used oil used in off-site management and management of residues. Standard and existing off-site management and management of residues. Standard recovery is provided, including: applicability, restrictions on burning, notification, rebuttable presumption for used oil, used oil storage, tracking, notices, and management of residues. The standards for used oil collection centers, used oil collection centers, including, prohibitions, on-specification used oil fuel, notification, tracking and notices. Standards for use as a dust suppressant disposal of used oil are also given. The regulations may contemplate the creation of a permit system for used oil collection centers and for the transport system.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 is a centralized listing of all incorporations by reference for Parts 721 through 739. References used throughout these Parts are centrally listed in this Section. The amendments are incorporated by reference in the following sections: 721, 724, 725, 726 and 739. They are incorporated for the purposes of Parts 721, 724, 725, 726 and 739. They further update the edition of all references to the Code of Federal Regulations for use in all Parts wherever they appear.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 22.4(b) of the Environmental Protection Act. The objectives of this rulemaking are to protect the health and safety of the public by reducing the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket #93-4 and be addressed to:

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Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State Office Building, 11th Floor
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 2, 1993.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, transport, store, use, or dispose of oil, oil-based waste. The present amendments may affect those businesses engaged in these activities.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The present amendments may affect these requirements for affected entities.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of a certified public accountant, chemist and registered professional engineer. The present amendments may affect these requirements for affected entities.

The full text of the proposed amendments begins on the next page.

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 739

STANDARDS FOR THE MANAGEMENT OF USED OIL

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Definitions

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739.100

SUBPART B: APPLICABILITY

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739.110
739.111
739.112

SUBPART C: STANDARDS FOR USED OIL GENERATORS

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739.120
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739.132Do-it-yourselfer used oil collection centers
Used oil collection centers
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SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section
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739.147Applicability
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Used oil storage at transfer facilities
Tracking
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SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section
739.150
739.151
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739.159Applicability
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SUBPART G: STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section
739.160
739.161
739.162
739.163
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739.166
739.167Applicability
Restrictions on burning
Notification
Rebuttable presumption for used oil
Used oil storage
Tracking
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SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section
739.170
739.171
739.172
739.173
739.174
739.175Applicability
Restrictions
On-specification used oil fuel
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Tracking
Notices

SUBPART I: STANDARDS FOR USE AS A DUST SUPPRESSANT DISPOSAL OF USED OIL

Section
739.180
739.181
739.182Applicability
Disposal
Use as a dust suppressant

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 1114, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27]).

SOURCE: Adopted in R93-4 at 17 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 739.100 Definitions

Terms that are defined in 35 Ill. Adm. Code 720.110, 721.101, and 731.112 have the same meanings when used in this Part.

"Aboveground tank" means a tank used to store or process used oil that is not an underground storage tank as defined in 35 Ill. Adm. Code 720.110, 721.101, and 731.112. This definition is different from the definition for "aboveground tank" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the main distinction is that the definition for this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks which contain hazardous wastes. The above definition is limited to this Part only.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled. "Do-it-yourselfer used oil collection center" means any site or facility that accepts or aggregates and stores used oil collected

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only from household do-it-yourselfers.

"Existing tank" means a tank that is used for the storage or processing of used oil and that is in operation, or for which processing of used oil has commenced on or prior to the effective date of the authorized used oil program for the State in which the tank is located. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either:

A continuous on-site installation program has begun, or
The owner or operator has entered into contractual obligations which cannot be canceled or modified without substantial cause for installation of the tank to be installed.
BOMBED NOTE: This definition is similar to the definition for "Existing tank system" in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the definition given above for "existing tank" in this Part limits the tanks to those tanks for which processing of used oil has commenced. The definition contained in 35 Ill. Adm. Code 720.110 includes tanks for which processing of used oil has not yet commenced. The above definition is limited to this Part only.

"Household 'do-it-yourselfer' used oil" means oil that is derived from a motor vehicle, a piece of farm equipment, or a piece of equipment used oil through the maintenance of their personal vehicles.

"Household 'do-it-yourselfer' used oil generator" means an individual who generates household "do-it-yourselfer" used oil.

"New tank" means a tank that will be used to store or process used oil and for which installation has commenced after the effective date of the authorized used oil program for the State in which the tank is located.

"New tank system" means a tank and its associated piping and controls for which the definition is similar to the definition given for "New tank" in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the definition given above for "new tank" in this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates new tanks systems which contain hazardous wastes. The above definition is limited to this Part only.

"Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but is not limited to: blending, distillation, vacuum distillation, solvent extraction, and other processes to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.

"Re-refining distillation bottoms" means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The bottoms of still bottoms varies with column operation and feedstock.

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"Tank" means any stationary device, designed to contain an accumulation of used oil which is constructed primarily of non-earthen materials, (e.g., wood, concrete, steel, plastic) which provides structural support.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"Used oil aggregation point" means any site or facility that accepts, aggregates, stores, or processes used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers.

"Used oil burner" means a facility where used oil not meeting the specification requirements in Section 739.111 is burned for energy recovery in devices identified in Section 739.161(a).

"Used oil collection center" means any site or facility that is registered, licensed, permitted or recognized by a state, county or municipal government to manage used oil and accepts or aggregates and stores used oil collected from used oil generators regulated under Subpart C of this Part who bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of Subpart C of Section 739.134. Used oil collection centers may also accept used oil from household do-it-yourselfers.

"Used oil fuel marketer" means any person who conducts either of the following activities:

Directs a shipment of off-specification used oil from their facility to a used oil burner; or

First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111.

"Used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

"Used oil processor" means a facility that processes used oil.

"Used oil transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under Subpart F of this Part.

"Used oil transporter" means any person who transports used oil. The transporter must be licensed and must maintain records of the oil transported. The collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or

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aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to render these materials more suitable for production of used oil derived products or used oil fuel.

Section 739.110 Applicability
SUBPART B: APPLICABILITY

This section identifies those materials which are subject to regulation as used oil under this Part. This Section also identifies some materials that are not subject to regulation as used oil under this Part, and indicates whether these materials may be subject to regulation as hazardous waste under Parts 702, 726 through 726 and 726.

- a) Used oil. EPA presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal. Except as provided in Section 739.111, the regulations in this Part apply to used oil and to materials identified in this Section that apply to used oil. The regulations in this Part apply to the used oil or material exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.
- b) Mixtures of used oil and hazardous waste.

- 1) Listed hazardous waste.

- A) Mixtures of used oil and hazardous waste that is listed in 35 Ill. Adm. Code 721.Subpart D are subject to regulation as hazardous waste under 35 Ill. Adm. Code 703, 726 through 726 and 726, rather than as used oil under this Part.

- B) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been listed in 35 Ill. Adm. Code 721.Subpart D. Parties may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant quantities of listed hazardous constituents). The regulations in this Part apply to used oil listed in 35 Ill. Adm. Code 721.Subpart D. The cost of \$10.00 from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, (202) 783-3238 (document number 935-001-00000-1).

- i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a colling arrangement as described in

Section 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

- ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been removed from units from sources other than refrigeration units.

- 2) Characteristic hazardous waste. Mixtures of used oil and hazardous waste that exhibits a hazardous waste characteristic identified in 35 Ill. Adm. Code 721.Subpart C are subject to:

- A) Except as provided in subsection (b)(2)(C) of this Section, regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726 and 728 rather than as used oil under this Part, if the mixture exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C; or
- B) Regulation as used oil under this Part, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under 35 Ill. Adm. Code 721.Subpart C.

- C) Regulation as used oil under this Part, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability and is not listed in 35 Ill. Adm. Code 721.Subpart D, provided that the mixture does not exhibit the characteristic of ignitability under 35 Ill. Adm. Code 721.121.

- 3) Conditionally exempt small quantity hazardous waste. Mixtures of used oil and hazardous waste regulated under 35 Ill. Adm. Code 721.105 are subject to regulation as used oil under this Part.

- c) Mixtures of used oil with non-hazardous solid wastes. Mixtures of used oil and non-hazardous solid waste are subject to regulation as used oil under this Part.

- d) Mixtures of used oil with products.

- 1) Except as provided in subsection (d)(2) below, mixtures of used oil and fuels or other products are subject to regulation as used oil under this Part.

- 2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own

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vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of Subpart C of this Part.

e) Materials derived from used oil.

- 1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:

- A) Not used oil and thus are not subject to this Part, and
 - B) Not solid wastes and are thus not subject to the hazardous waste regulations of Parts 35 Ill. Adm. Code 703, 720 through 726 and 728 as provided in 35 Ill. Adm. Code 721.103(c)(2)(A).
- 2) Materials produced from used oil that are burned for energy recovery (e.g., fuels) are subject to regulation as used oil under this Part.
 - 3) Except as provided in subsection (e)(4) below, materials derived from used oil that are disposed of or used in a manner constituting disposal are:

- A) Not used oil and thus are not subject to this Part, and
- B) Are solid wastes and thus are subject to the hazardous waste regulations of Parts 35 Ill. Adm. Code 703, 720 through 726 and 728 if the materials are identified as hazardous waste.

- 4) Re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are:

- A) Not subject to this Part at this time, and
- B) Not subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726 and 728 at this time.

- f) Wastewater. Wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimus quantities of used oil that are not subject to the requirements of this Part, are not subject to regulation. De minimus quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is determined as a substantial leak, spill, or other release, or if resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

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- g) Used oil introduced into crude oil or natural gas pipelines. Used oil that is placed directly into a crude oil or natural gas pipeline is subject to the management standards of Part 739 only prior to the point of introduction to the pipeline. Once the used oil is introduced into the pipeline, the material is exempt from the requirements of this Part.

- h) Used oil on vessels. Used oil produced on vessels from normal shipboard operations is not subject to this Part until it is transported ashore.

- A) PCB contaminated used oil, PCB-containing used oil regulated under Part 761 is exempt from regulation under this Part.

- B) This Section is adopted to maintain correlation with the Federal regulations.

Section 739.111 Used oil specifications

Used oil burned for energy recovery, and any fuel produced from used oil by the process of energy recovery, are not subject to regulation under this Part unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in Table 1. Once used oil that is to be burned for energy recovery has been shown not to exceed any specification and the person making that showing complies with Sections 739.112, 739.173, and 739.114(b), the used oil is no longer subject to this Part.

Table 1-Used Oil Not Exceeding Any Specification Level Is Not Subject to this Part When Burned for Energy Recovery

Constituent/property	Allowable level
Arsenic	5 ppm maximum.
Cadmium	2 ppm maximum.
Chromium	10 ppm maximum.
Lead	100 ppm maximum.
Flash point	100 °F minimum.
Total halogens	4,000 ppm maximum ¹ .

FOOTNOTES: ¹ The specification does not apply to mixtures of used oil and waste oil that continue to be regulated as hazardous waste (see Section 739.110(b)(1)).

FOOTNOTE: ² Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under Section 739.110(b)(1). Such used oil is subject to 35 Ill. Adm. Code 739.110(b)(1). Subject to the rebuttable presumption of energy recovery unless the presumption of mixing can be successfully rebutted.

Section 739.112 Prohibitions

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- a) Storage units. Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.

- b) Condition of units. Containers and aboveground tanks used to store used oil at generator facilities must be:

- 1) In good condition (no severe rusting, apparent structural defects or deterioration); and

- 2) Not leaking (no visible leaks).

- c) Labels.

- 1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

- 2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil."

- d) Response to releases. Upon detection of a release of used oil to the environment not subject to the requirements of Part 280, generators must perform the following cleanup steps. If the release is not subject to the requirements of Part 280, the release is authorized used oil program for the State in which the release is located, a generator must perform the following cleanup steps:

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Clean up and manage properly the released used oil and other materials; and
- 4) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

Section 739.123 On-site burning in space heaters

- a) Generators may burn used oil in used oil-fired space heaters provided that:

- 1) The heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators;
- 2) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and
- 3) The combustion gases from the heater are vented to the ambient air.

- b) This Section is adopted to maintain correlation with Federal regulations.

Section 739.124 Off-site shipments

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Except as provided in subsections (a) through (c) of this Section, generators must ensure that their used oil is transported only by transporters who have obtained EPA identification numbers.

- a) Self-transportation of small amounts to approved collection centers. Generators may transport, without an EPA identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that:

- 1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
- 2) The generator transports no more than 55 gallons of used oil at any time; and
- 3) The generator transports the used oil to a used oil collection center that is registered, licensed, permitted, or recognized by a state, county or municipal government to manage used oil.

- b) Self-transportation of small amounts to aggregation points owned by the generator. Generators may transport, without an EPA identification number, used oil that is generated at the generator's site to an aggregation point provided that:

- 1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
- 2) The generator transports no more than 55 gallons of used oil at any time; and
- 3) The generator transports the used oil to an aggregation point that is owned or operated by the same generator.

- c) Tolling arrangements. Used oil generators may arrange for used oil to be transported to an aggregation point owned or operated by a transporter if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor to the generator for use as a lubricant, cutting oil, or coolant. The contract (known as a "tolling arrangement") must indicate:

- 1) The type of used oil and the frequency of shipments;
- 2) That the vehicle used to transport the used oil to the processing facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor; and
- 3) That reclaimed oil will be returned to the generator.

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

Section 739.130 Do-it-yourselfer used oil collection centers

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a) Applicability. This section applies to owners or operators of all oil collection centers (including do-it-yourselfers) that accept or aggregate and stores used oil collected only from household do-it-yourselfers.

b) DIV used oil collection center requirements. Owners or operators of all DIV used oil collection centers must comply with the generator standards in Subpart C of this Part.

Section 739.131 Used oil collection centers

a) Applicability. This section applies to owners or operators of used oil collection centers. A used oil collection center is any site or facility that accepts, aggregates or stores used oil collected from used oil generators regulated under Subpart C of this Part who bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of Section 739.124(b). Used oil collection centers may also accept used oil from household do-it-yourselfers.

b) Used oil collection center requirements. Owners or operators of all used oil collection centers must:

- 1) Comply with the generator standards in Subpart C of this Part; and
- 2) Be registered, licensed, permitted or recognized by a state, county or municipal government to manage used oil.

Section 739.132 Used oil aggregation points owned by the generator

a) Applicability. This section applies to owners or operators of all used oil aggregation points. A used oil aggregation point is any site or facility that accepts, aggregates, or stores used oil collected only from other used oil generation sites owned or operated by the generator. Used oil aggregation points, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons under the provisions of Section 739.124(b). Used oil aggregation points may also accept used oil from household do-it-yourselfers.

b) Used oil aggregation point requirements. Owners or operators of all used oil aggregation points must comply with the generator standards in Subpart C of this Part.

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section 739.140 Applicability

a) General. Except as provided in subsections (a)(1) through (a)(4) of this section, this Subpart applies to all used oil transporters who collect used oil from persons other than one generator and transport the collected oil, and owners and operators of used oil transfer facilities.

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1) This Subpart does not apply to on-site transportation.

2) This Subpart does not apply to generators who transport shipments of used oil totalling 55 gallons or less from the generator to a used oil collection center as specified in Section 739.124(a).

3) This Subpart does not apply to generators who transport shipments of used oil totalling 55 gallons or less from the generator to a used oil aggregation point owned or operated by the same generator as specified in Section 739.124(b).

4) This Subpart does not apply to transportation of used oil generated by household do-it-yourselfers from the initial generator to a regulated used oil generator, collection center, aggregation point, processor, or burner subject to the requirements of this Part. Subpart C of this section, this Subpart does, however, apply to transportation of collected household do-it-yourselfer used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where household do-it-yourselfer used oil is collected.

b) Imports and exports. Transporters who import used oil from abroad or export used oil outside of the United States are subject to the requirements of this Subpart from the time the used oil enters and until the time it exits the United States.

c) Trucks used to transport hazardous waste. Unless trucks previously used to transport hazardous waste are emptied as described in 35 Ill. Adm. Code 721.107 prior to transporting used oil, the used oil is considered to have been mixed with the hazardous waste and must be managed as hazardous waste under the provisions of Section 739.124(b). Hazardous waste and used oil mixture is determined not to be hazardous waste.

d) Other applicable provisions. Used oil transporters who conduct the following activities are also subject to other applicable provisions of this Part as indicated in subsections (d)(1) through (5) of this Section:

- 1) Transporters who generate used oil must also comply with Subpart C of this Part;
- 2) Transporters who process or re-refine used oil, except as provided in Section 739.141, must also comply with Subpart F of this Part;
- 3) Transporters who burn off-specification used oil for energy recovery must also comply with Subpart G of this Part;
- 4) Transporters who direct shipments of off-specification used oil to their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H of this Part; and

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- 5) Transporters who dispose of used oil, including the use of used oil as a dust suppressant, must also comply with Subpart I of this Part.

Section 739.141 Restrictions on transporters who are not also processors

- a) Used oil transporters may consolidate or aggregate loads of used oil for transportation. However, except as provided in subsection (b) of this Section, used oil transporters may not process used oil unless they also comply with the requirements for processors in Subpart F of this Part.
- b) Transporters may conduct incidental processing operations that consist of the use of transportation (e.g., settling and water separation) but they may not use used oil to produce (or make more amenable for production of) used oil derived products unless they also comply with the processor requirements in Subpart F of this Part.

Section 739.142 Notification

- a) Identification numbers. Used oil transporters who have not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain an EPA identification number.
- b) Mechanics of notification. A used oil transporter who has not received an EPA identification number may obtain one by notifying the Regional Administrator of their used oil activity by submitting either:

- 1) A completed EPA Form 8700-12 (To obtain EPA Form 8700-12 call RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810); or
- 2) A letter requesting an EPA identification number. Call RCRA/Superfund Hotline for instructions on how to send a letter requesting an EPA identification number. The letter should include the following information:
 - C) Transporter company name;
 - D) Owner of the transporter company;
 - E) Mailing address for the transporter;
 - F) Name and telephone number for the transporter point of contact;
 - G) Type of transporter activity (i.e., transporter only, transporter and transfer facility, transfer facility only);
 - H) Location of all transfer facilities at which used oil is stored;
 - I) Name and telephone number for a contact at each

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transfer facility.

Section 739.143 Used oil transportation

- a) Deliveries. A used oil transporter must deliver all used oil received to:
- 1) Another used oil transporter, provided that the transporter has obtained an EPA identification number;
 - 2) A used oil processing facility who has obtained an EPA identification number;
 - 3) An off-specification used oil burner facility who has obtained an EPA identification number; or
 - 4) An on-specification used oil burner facility.
- b) Shipping. Used oil transporters must comply with all applicable packaging, labeling, and placarding requirements of the U.S. Department of Transportation under 49 CFR parts 173, 178 and 179. Used oil that meets the definition of combustible liquid (flash point below 200 °F) but does not meet the definition of flammable liquid (flash point below 100 °F) is subject to Department of Transportation Hazardous Materials Regulations at 49 CFR Parts 100 through 177.
- c) Used oil discharges.
- 1) In the event of a discharge of used oil during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).
 - 2) If a discharge of used oil occurs during transportation and an official (State or local government or a Federal Agency) acting within the scope of official responsibilities determines that immediate removal of the used oil is necessary to protect human health or the environment, that official may direct the transporter to take such action as the official deems appropriate. Transporters who do not have EPA identification numbers.
 - 3) An air, rail, highway, or water transporter who has discharged used oil must:
 - A) Give notice, if required by 49 CFR 171.15 to the National Response Center (800-424-8802 or 202-426-2675); and
 - B) Report in writing as required by 49 CFR 171.16 to the National Response Center (800-424-8802 or 202-426-2675); and
 - C) Report in writing as required by 49 CFR 171.16 to the Federal Emergency Management Agency, Department of Transportation, Washington, DC 20590.
 - 4) A water transporter who has discharged used oil must give notice as required by 33 CFR 153.203.
 - 5) A transporter must clean up any used oil discharged that

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occurs during transportation or take such action as may be required or approved by federal, state, or local officials so that the used oil discharge no longer presents a hazard to human health or the environment.

Section 739.144 Rebuttable presumption for used oil

- a) To ensure that used oil is not a hazardous waste under the rebuttable presumption of Section 739.110(b)(1)(ii), the used oil transporter must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm.
- b) The transporter must make this determination by:

- 1) Testing the used oil; or
 - 2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.
- If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 729.20. The transporter must rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of SW-846, Edition III, or by obtaining the test results from the 846 Third Edition, which is available at a cost of \$110.00 from the Government Printing Office, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954. (202) 783-3238 (document number 955-001-00000-1).

- 1) The rebuttable presumption does not apply to metalworking oils and fluids that are chlorinated or otherwise chemically treated, are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils and fluids. The presumption does apply to metalworking oils and fluids if such oils and fluids are recycled in any other manner, or disposed.

- 2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils that have been contacted with refrigeration units.

- d) Record retention. Records of analyses conducted or information used to comply with subsections (a), (b), and (c) of this Section must be maintained by the transporter for at least 3 years.

Section 739.145 Used oil storage at transfer facilities

As specified in Section 739.110(f), wastewaters containing "de minimis" quantities of used oil are not subject to the requirements of this Part, including the prohibition on storage in units other than tanks or containers.

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Used oil transporters are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. Used oil generators are also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Applicability. This section applies to used oil transfer facilities. Used oil transfer facilities are transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments or receipts of transportation and storage related materials are made. Transfer facilities that store used oil for more than 35 days are subject to regulation under Subpart F.
- b) Storage units. Owners or operators of used oil transfer facilities may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- c) Condition of units. Containers and aboveground tanks used to store used oil at transfer facilities must be:
 - 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- d) Secondary containment for containers. Containers used to store used oil at transfer facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:

- A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dikes, berms, or retaining walls.
- 2) The entire containment system, including walls and floors, must be designed to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

- e) Secondary containment for existing aboveground tanks. Existing aboveground tanks used at transfer facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:

- A) Dikes, berms or retaining walls; and
- B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

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- C) An equivalent secondary containment system.
- 2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- f) Secondary containment for new aboveground tanks. New aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - C) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- g) Labels.
- 1) Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil."
 - 2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil."
 - h) Response to releases. Upon detection of a release of used oil to the environment not subject to the requirements of 35 Ill. Adm. Code 731.Subpart F which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a generator must perform the following cleanup steps:
 - 1) Stop the release;
 - 2) Contain the released used oil;
 - 3) Clean up and manage properly the released used oil and other materials; and
 - 4) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
- Section 739.146 Tracking
- a) Acceptance. Used oil transporters must keep a record of each used

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- oil shipment accepted for transport. Records for each shipment must include:
- 1) The name and address of the generator, transporter, or processor who provided the used oil for transport;
 - 2) The EPA identification number (if applicable) of the generator, transporter, or processor who provided the used oil for transport;
 - 3) The quantity of used oil accepted;
 - 4) The date of acceptance; and
 - 5) The signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor who provided the used oil for transport.
- b) Deliveries. Used oil transporters must keep a record of each shipment of used oil that is delivered to another used oil receiving, storing, or processing facility. Records of each delivery must include:
- 1) The name and address of the receiving facility or transporter;
 - 2) The EPA identification number of the receiving facility or transporter;
 - 3) The quantity of used oil delivered;
 - 4) The date of delivery;
 - 5) The signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.
- c) Exports of used oil. Used oil transporters must maintain the records described in subsection (b) for used oil shipped to any foreign country.
- d) Record retention. The records described in subsections (a), (b), and (c) of this Section must be maintained for at least three years.
- Section 739.147 Management of residues
- Transporters who generate residues from the storage or transport of used oil must manage the residues as specified in Section 739.110(e).
- SUBPART F: STANDARDS FOR USED OIL PROCESSORS
- Section 739.150 Applicability
- a) The requirements of this Subpart apply to owners and operators of facilities that process used oil. Processing means chemical or physical operations designed to produce from used oil, or to make

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used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, re-refining, and re-refining. The requirements of this Subpart do not apply to:

- 1) Transporters that conduct incidental processing operations that occur during the normal course of transportation as provided in Section 739.141; or
 - 2) Burners that conduct incidental processing operations that occur during the normal course of used oil management prior to burning as provided in Section 739.161(b).
- b) Other applicable provisions. Used oil processors who conduct the following operations must also comply with Subpart C of this Part. The applicable provisions of this Part as indicated in subsections (b)(1) through (b)(5) of this Section.

- 1) Processors who generate used oil must also comply with Subpart C of this Part;
- 2) Processors who transport used oil must also comply with Subpart E of this Part;
- 3) Except as provided in subsections (b)(3)(A) and (b)(3)(B) of this Part, processors who burn used oil for energy recovery must also comply with Subpart G of this Part. Processors burning used oil for energy recovery under the following conditions are not subject to Subpart G of this Part:

- A) The used oil is burned in an on-site space heater that meets the requirements of Section 739.123; or
- B) The used oil is burned for purposes of processing used oil, which is considered burning incidentally to used oil processing;

- 4) Processors who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H of this Part; and
- 5) Processors who dispose of used oil, including the use of used oil as a dust suppressant, also must comply with Subpart I of this Part.

Section 739.151 Notification

- a) Identification numbers. Used oil processors and re-refiners who have not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain an EPA identification number.
- b) Mechanics of notification. A used oil processor or re-refiner who

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has not received an EPA identification number may obtain one by notifying the Regional Administrator of their used oil activity by submitting either:

- 1) A completed EPA Form 8700-12 (To obtain EPA Form 8700-12 call RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810); or
- 2) A letter requesting an EPA identification number. Call the Regional Administrator to determine where to send a letter requesting an EPA identification number. The letter should include the following information:
 - A) Processor or re-refiner company name;
 - B) Owner of the processor or re-refiner company;
 - C) Mailing address for the processor or re-refiner;
 - D) Name and telephone number for the processor or re-refiner point of contact;
 - E) Type of used oil activity (i.e., process only, process and re-refine);
 - F) Location of the processor or re-refiner facility.

Section 739.152 General facility standards

- a) Preparedness and prevention. Owners and operators of used oil processors and re-refiners facilities must comply with the following requirements:

- 1) Maintenance and operation of facility. Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.
- 2) Required equipment. All facilities must be equipped with the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in subsections (a)(2)(A) through (a)(2)(D) of this Section:
 - A) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
 - B) A device, such as a telephone (immediately available at the scene of operation) for emergency assistance from local police departments, fire departments, or State or local emergency response teams;
 - C) Portable fire extinguishers, fire control equipment (including special extinguishers for flammable liquids that using foam, inert gas, or dry chemicals), spill

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- control equipment and decontamination equipment; and water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.
- D) Testing and maintenance of equipment. All facility communications system equipment, fire protection equipment, spill control equipment and decontamination equipment where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.
- 4) Access to communications or alarm system.
- A) Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with personnel in the area of the facility. A device is not required in subsection (a)(2) of this Section.
- B) If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a telephone or a two-way radio, or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required in subsection (a)(2) of this Section.
- 5) Required aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.
- 6) Arrangements with local authorities.
- A) The owner or operator must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations:
- i) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil, and the location of spill control equipment and hazardous places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;
- ii) Where more than one police and fire department are involved, designate one police and fire department as the primary emergency response authority, designate primary emergency response authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

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- iii) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and
- iv) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.
- B) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.
- 4) Contingency plan and emergency procedures. Owners and operators of used oil processors and re-refiners facilities must comply with the following requirements:
- 1) Purpose and implementation of contingency plan.
- A) Each owner or operator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.
- B) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release or used oil which could threaten human health or the environment.
- 2) Content of contingency plan.
- A) The contingency plan must describe the actions facility personnel must take to comply with subsections (b)(1) and (b)(6) of this Section in the event of a fire, explosion, or release of used oil or non-sudden release of used oil to air, soil, or surface water at the facility.
- B) If the owner or operator has already prepared a Spill Response Emergency Plan (SREP) under the Pollution Prevention Act, in accordance with 40 CFR 117.7, 40 CFR 151.0, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate used oil management provisions that are sufficient to comply with the requirements of this Part.
- C) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to subsection (a)(6) of this Section.
- D) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection (b)(5) of this

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Section), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

- E) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and incident is recorded. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

- F) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).

- 3) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan must be:

- A) Maintained at the facility; and
B) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

- 4) Amendment of contingency plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever:

- A) Applicable regulations are revised;
B) The plan falls in an emergency;
C) The facility changes in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;
D) The list of emergency coordinators changes; or
E) The list of emergency equipment changes.

- 5) Emergency coordinator. At all times, there must be at least one emergency coordinator on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency

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plan, all operations and activities at the facility, the location and characteristic of used oil handled, the location of all records within the facility, and facility layout. In addition, this person must have the authority to contact the resources needed to carry out the contingency plan.

BOARD NOTE: USEPA cited the following as guidance: The emergency coordinator's responsibilities are more fully spelled out in Section 106 of the Superfund Amendments and Reauthorization Act of 1980. The emergency coordinator's responsibilities for the facility will vary, depending on factors such as type and variety of used oil handled by the facility, and type and complexity of the facility.

6) Emergency procedures.

- A) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately:

- i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
ii) Notify appropriate State or local agencies with designated response roles if their help is needed.

- B) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and a real extent of the release, fire, or explosion. The coordinator must review of facility records of manifests and, if necessary, by chemical analysts.

- C) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or explosions).

- D) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, the emergency coordinator must report his findings as follows:

- i) If his assessment indicated that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help

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and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. Used oil generators are also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Management units. Used oil processors shall not store or process used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- b) Condition of units. Containers and aboveground tanks used to store or process used oil at processing facilities must be:
 - 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- c) Secondary containment for containers. Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- d) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
 - C) An equivalent secondary containment system.
- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

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e) Secondary containment for new aboveground tanks. New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - C) An equivalent secondary containment system.
- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- f) Labels.
 - 1) Containers and aboveground tanks used to store used oil at processing facilities must be labeled or marked clearly with the words "Used Oil."
 - 2) Fill pipes used to transfer used oil into underground storage tanks at processing facilities must be labeled or marked clearly with the words "Used Oil."
 - g) Response to releases. Upon detection of a release of used oil to the environment not subject to the requirements of 35 Ill. Adm. Code 731 Subpart F which has occurred after the effective date of the rule, the owner or operator of the facility from which the release is located, a processor must perform the following cleanup steps:
 - 1) Stop the release;
 - 2) Contain the released used oil;
 - 3) Clean up and manage properly the released used oil and other materials; and
 - 4) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
- h) Closure.
 - 1) Aboveground tanks. Owners and operators who store or process used oil in aboveground tanks must comply with the following requirements:
 - A) At closure of a tank system, the owner or operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment

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6) The date of acceptance.

- b) Deliveries. Used oil processors must keep a record of each shipment of used oil that is delivered to another used oil burner, processor or disposal facility. The record must take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records of each delivery must include the following information:

- 1) The name and address of the transporter who delivers the used oil to the burner, processor or disposal facility;
 - 2) The name and address of the burner, processor or disposal facility who will receive the used oil;
 - 3) The EPA identification number of the transporter who delivers the used oil to the burner, processor or disposal facility;
 - 4) The EPA identification number of the burner, processor, or disposal facility who will receive the used oil;
 - 5) The quantity of used oil delivered;
 - 6) The date of delivery;
- c) Record retention. The records described in subsections (a) and (b) above must be maintained for at least three years.

Section 739.157 Operating record and reporting

a) Operating record.

- 1) The owner or operator must keep a written operating record at the facility.
- 2) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:
 - A) Records and results of used oil analyses performed as described in the analysis plan required under Section 739.155; and
 - B) Summary reports and details of all incidents that require corrective action, including contingency plan as specified in Section 739.152(b).

- b) Reporting. A used oil processor must report to the Regional Administrator, in the form of a letter, on a biennial basis (by the end of each even numbered year), the following information concerning used oil activities during the previous calendar year:

- 1) The EPA identification number, name, and address of the processor;
- 2) The calendar year covered by the report; and

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- 3) The quantities of used oil accepted for processing and the quantities of used oil which the transporter has processed, including the specific processes employed.

Section 739.158 Off-site shipments of used oil

Used oil processors who initiate shipments of used oil off-site must ship the used oil using a used oil transporter who has obtained an EPA identification number.

Section 739.159 Management of residues

Owners and operators who generate residues from the storage, processing, or refining of used oil must manage the residues as specified in Section 739.110(e).

SUBPART C: STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section 739.160 Applicability

- a) General. The requirements of this Subpart apply to used oil burners except as specified in subsections (a)(1) and (a)(2) of this section. Used oil burners who do not meet the requirements of this section are subject to the requirements of Section 739.111 as pertaining to off-specification oil. Burners who are not subject to the requirements of this section are those that are used for energy recovery in devices identified in Section 739.161(a). Facilities burning used oil for energy recovery under the following conditions are not subject to this Subpart:
 - 1) The used oil is burned by the generator in an on-site space heater under the provisions of Section 739.123; or
 - 2) The used oil is burned by a processor for purposes of processing used oil, which is considered burning incidentally to used oil processing.
- b) Other applicable provisions. Used oil burners who conduct the following activities are also subject to the requirements of other applicable provisions of this Part as indicated below.

- 1) Burners who generate used oil must also comply this Subpart C of this Part;
- 2) Burners who transport used oil must also comply with Subpart E of this Part;
- 3) Except as provided in Section 739.161(b), burners who process or refine used oil must also comply with Subpart F of this Part;
- 4) Burners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the requirements of this section must also comply with Section 739.111 must also comply with Subpart H of this Part; and
- 5) Burners who dispose of used oil, including the use of

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oil as a dust suppressant, must comply with Subpart I of this Part.

- c) Specification fuel. This Subpart does not apply to persons burning used oil that meets the used oil fuel specification of Section 739.111, provided that the burner complies with the requirements of Subpart H of this Part.

Section 739.161 Restrictions on burning

- a) Off-specification used oil fuel may be burned for energy recovery in only the following devices:
- 1) Industrial furnaces identified in 35 Ill. Adm. Code 720.110;
 - 2) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are identified as follows:
 - A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are produced, stored, or used in the production of component parts of products, by mechanical or chemical processes;
 - B) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or
 - C) Used oil-fired space heaters provided that the burner meets the provisions of Section 739.123; or
 - 3) Hazardous waste incinerators subject to regulation under 35 Ill. Adm. Code 724.Subpart or 35 Ill. Adm. Code 725.Subpart O.

- b) With the following exception, used oil burners may not process used oil unless they also comply with the requirements of Subpart F of this Part.

- 2) Used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning and may aggregate for purposes of producing on-specification used oil.

Section 739.162 Notification

- a) Identification numbers. Used oil burners who have not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain an EPA identification number.
- b) Mechanics of notification. A used oil burner who has not received notification from the Regional Administrator, or who has received notification from the Regional Administrator of their used oil activity by submitting either:

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- 1) A completed EPA Form 8700-12 (To obtain EPA Form 8700-12 call RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810); or
- 2) A letter requesting an EPA identification number. Call the RCRA/Superfund Hotline to determine where to send a letter requesting an EPA identification number. The letter should include the following information:

- A) Burner company name;
- B) Owner of the burner company;
- C) Mailing address for the burner;
- D) Name and telephone number for the burner point of contact;
- E) Type of used oil activity; and
- F) Location of the burner facility.

Section 739.163 Rebuttable presumption for used oil

- a) To ensure that used oil managed at a used oil burner facility is hazardous waste under the rebuttable presumption of Section 739.160, the used oil must be managed at the facility at a total halogen content of used oil managed at the facility is above or below 1,000 ppm.
- b) The used oil burner must determine if the used oil contains above or below 1,000 ppm total halogens by:
 - 1) Testing the used oil;
 - 2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used; or
 - 3) If the used oil has been received from a processor subject to regulation under Subpart F of this Part, using information provided by the processor.

- c) If the used oil contains greater than or equal to 1,000 ppm total halogens, the used oil must be managed at the facility in accordance with Subpart D. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from the 1988 Edition of the RCRA Regulations that uses nonhazardous waste identification criteria). If the used oil does not contain a significant fraction of nonhazardous waste, the used oil must be listed in 35 Ill. Adm. Code 721.Appendix H). EPA Publication SW-846, Third Edition, is available for the cost of \$10.00 from the Government Printing Office, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954. 202-783-3238 (document number 955-901-00000-1).

- 1) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are

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processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils and fluids are recycled in any other manner, or disposed.

- 2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

- d) Record retention. Records of analyses conducted or information used to comply with subsections (a), (b), and (c) above must be maintained by the burner for at least 3 years.

Section 739.164 Used oil storage

As specified in Section 739.110(f), wastewaters containing "de minimis" quantities of used oil are not subject to the requirements of this Part, including the prohibition on storage in units other than tanks or containers. Used oil burners are subject to all applicable Spill Prevention, Control and Countermeasure (SPCC) rules. Used oil generators are also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Storage units. Used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.

- b) Condition of units. Containers and aboveground tanks used to store oil at burner facilities must be:

- 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
- 2) Not leaking (no visible leaks).

- c) Secondary containment for containers. Containers used to store used oil at burner facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:

- A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall.
- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

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- d) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:

- A) Dikes, berms or retaining walls; and
- B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
- C) An equivalent secondary containment system.

- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

- e) Secondary containment for existing aboveground tanks. New aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:

- A) Dikes, berms or retaining walls; and
- B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
- C) An equivalent secondary containment system.

- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

- f) Labels.

- 1) Containers and aboveground tanks used to store used oil at burner facilities must be labeled or marked clearly with the words "Used Oil."
- 2) Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil."

- g) Response to releases. Upon detection of a release of used oil to surface water, a burner must perform the following cleanup steps: Code 731 Support F which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a burner must perform the following cleanup steps:

- 1) Stop the release;

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- 2) Contain the released used oil;
- 3) Clean up and manage properly the released used oil and other materials; and
- 4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

Section 739.165 Tracking

- a) Acceptance. Used oil burners must keep a record of each used oil shipment received, including the name of the transporter, form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:
 - 1) The name and address of the transporter who delivered the used oil to the burner;
 - 2) The name and address of the generator or processor from whom the used oil was sent to the burner;
 - 3) The EPA identification number of the transporter who delivered the used oil to the burner;
 - 4) The EPA identification number (if applicable) of the generator or processor from whom the used oil was sent to the burner;
 - 5) The quantity of used oil accepted; and
 - 6) The date of acceptance.
- b) Record retention. The records described in subsection (a) of this Section must be maintained for at least three years.

Section 739.166 Notices

- a) Certification. Before a burner accepts the first shipment of off-specification used oil, the transporter, generator, processor, or processor must provide to the generator, transporter, or processor a one-time written and signed notice certifying that:
 - 1) The burner has notified EPA stating the location and general description of his used oil management activities; and
 - 2) The burner will burn the used oil only in an industrial furnace or boiler identified in Section 739.161(a).
- b) Certification retention. The certification described in subsection (a) of this Section must be maintained for three years after the date of the first shipment of off-specification used oil from that generator, transporter, or processor.

Section 739.167 Management of residues

Burners who generate residues from the storage or burning of used oil must

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manage the residues as specified in Section 739.110(e).

Subpart H: STANDARDS FOR USED OIL FUEL MARKETERS

Section 739.170 Applicability

- a) Any person who conducts either of the following activities is subject to the requirements of this Section:
 - 1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or
 - 2) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111.
- b) The following persons are not marketers subject to this Subpart:
 - 1) Used oil generators, and transporters who transport used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from their facility to a used oil burner. However, used oil received from generators, and transporters for purposes of processing are considered to be burned for energy recovery processing. Thus, generators and transporters who direct shipments of off-specification used oil to processors who incidentally burn used oil are not marketers subject to this Subpart;
 - 2) Persons who direct shipments of on-specification used oil and who are not the first person to claim the oil meets the used oil fuel specifications of Section 739.111.
- c) Any person subject to the requirements of this Subpart must also comply with one of the following:
 - 1) Subpart C of this Part - Standards for Used Oil Generators;
 - 2) Subpart E of this Part - Standards for Used Oil Transporters and Transfer Facilities;
 - 3) Subpart F of this Part - Standards for Used Oil Processors and Re-refiners; or
 - 4) Subpart G of this Part - Standards for Used Oil Burners who Burn Off-specification Used Oil for Energy Recovery.

Section 739.171 Prohibitions

- A used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner who:
- a) Has an EPA identification number; and
 - b) Burns the used oil in an industrial furnace or boiler identified in Section 739.161(a).

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Section 739.172 On-specification used oil fuel

- a) Analysis of used oil fuel. A generator, transporter, processor, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of Section 739.171.111. If the analysis indicates that the used oil fuel meets the specifications, the generator, transporter, processor, or burner must keep records documenting that the used oil fuel meets the specifications. Such used oil that is to be burned for energy recovery is not subject to further regulation under this Part.
- b) Record retention. A generator, transporter, processor, or burner who determines that used oil meets the specifications for used oil fuel under this Part must keep copies of analyses of the used oil (or other information used to make the determination) for three years.

Section 739.173 Notification

- a) A used oil fuel marketer subject to the requirements of this Section who has not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain an EPA identification number.
- b) A marketer who has not received an EPA identification number may obtain one by notifying the Regional Administrator of their used oil activity by submitting either:
 - 1) A completed EPA Form 8700-12; or
 - 2) A letter requesting an EPA identification number. The letter should include the following information:
 - A) Marketer company name;
 - B) Owner of the marketer;
 - C) Mailing address for the marketer;
 - D) Name and telephone number for the marketer point of contact; and
 - E) Type of used oil activity (i.e., generator directing shipments of off-specification used oil to a burner).

Section 739.174 Tracking

- a) Off-specification used oil delivery. Any used oil generator who directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
 - 1) The name and address of the transporter who delivers the used oil to the burner;
 - 2) The name and address of the burner who will receive the used oil;

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- 3) The EPA identification number of the transporter who delivers the used oil to the burner;
 - 4) The EPA identification number of the burner;
 - 5) The quantity of used oil shipped; and
 - 6) The date of shipment.
- b) On-specification used oil delivery. A generator, transporter, processor, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under Section 739.171.111 must keep a record of each shipment of used oil to a burner. Records for each shipment must include the following information:
- 1) The name and address of the facility receiving the shipment;
 - 2) The quantity of used oil fuel delivered;
 - 3) The date of shipment or delivery; and
 - 4) A cross-reference to the record of used oil analysis or other information used to make the determination that the used oil meets the specification as required under Section 739.172(a).

- c) Record retention. The records described in subsections (a) and (b) above must be maintained for at least three years.

Section 739.175 Notices

- a) Certification. Before a used oil generator, transporter, or processor directs the first shipment of off-specification used oil fuel to a burner, he must obtain a one-time written and signed notice from the burner certifying that:
 - 1) The burner has notified EPA stating the location and general description of used oil management activities; and
 - 2) The burner will burn the off-specification used oil only in an industrial furnace or boiler identified in Section 739.161(a).

- b) Certification retention. The certification described in subsection (a) above must be maintained for three years from the date the last shipment of off-specification used oil is shipped to the burner.

SUBPART I: STANDARDS FOR USE AS A DUST SUPPRESSANT DISPOSAL OF USED OIL

Section 739.180 Applicability

The requirements of this Subpart apply to all used oils that cannot be recycled and are therefore being disposed.

Section 739.181 Disposal

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a) Disposal of hazardous used oils. Used oils that are identified as a hazardous waste and cannot be recycled in accordance with this Part must be managed in accordance with the hazardous waste management requirements of 35 Ill. Adm. Code 703.720 through 726, and 726.

b) Disposal of nonhazardous used oils. Used oils that are not hazardous wastes and cannot be recycled under this Part must be disposed in accordance with the requirements of 35 Ill. Adm. Code 807 through 815 and 40 CFR 257 and 258.

Section 739.182 Use as a dust suppressant

a) The use of used oil as a dust suppressant is prohibited, except when such activity takes place in one of the states listed in subsection (c) of this Section.

b) A State may petition (e.g., as part of its authorization petition submitted to EPA under 35 Ill. Adm. Code 721.105 or by a separate submission) EPA to allow the use of used oil (that is not mixed with hazardous waste and does not exhibit a characteristic other than ignitability) as a dust suppressant. The petition must state that it has a program in place to prevent the use of used oil and hazardous waste mixtures or used oil exhibiting a characteristic other than ignitability as a dust suppressant. In addition, such programs must minimize the impacts of use as a dust suppressant on the environment.

c) This subsection corresponds to 40 CFR 268.182(c) which lists the States with an authorized program for use of used oil as a dust suppressant. This subsection is adopted to retain correlation with the Federal rules.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1285

3) Section Numbers: Proposed Action:

1285.20	Amendment
1285.30	Amendment
1285.60	Amendment
1285.90	Amendment
1285.90	Amendment
1285.90	Amendment
1285.90	New Section
1285.100	Amendment
1285.101	New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 4400-9, 4400-10, 4400-11, 4400-12, 4400-13, 4400-14, 4400-18, and 4400-19 [25 ILCS 60/9, 60/10, 60/11, 60/12, 60/13, 60/14, 60/18 and 60/19].

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking implements Section 18(B) and (C) of the Act which authorizes the Department to issue visiting physician permits and visiting resident permits. Sections 1285.91 and 1285.101 are added to the Rules to establish procedures for those wishing to apply for the permits. A fee of \$100 also is established for each of the permits.

Section 1285.60, pertaining to examinations, is amended. Beginning January 1, 1994, the examinations for licensure to practice medicine in all of its branches shall be Steps 1, 2 and 3 of the United States Medical Licensing Examination (USMLE)—a joint program of the Federation of State Medical Boards of the U.S. Inc. and the National Board of Medical Examiners. Currently, applicants for licensure to practice medicine in all its branches are required to pass Components 1 and 2 of the Federation of Licensing Examination (FLEX).

For those applicants who have passed FLEX Component 2 but have not successfully completed FLEX Component 1 prior to 1994, the Department shall administer FLEX Component 1 twice in 1994. Any applicant who does not successfully complete FLEX Component 1 during 1994 shall be required to successfully complete USMLE Step 1 and Step 2. Also designated are the various combinations of examinations completed prior to January 1, 2000, that are acceptable for licensure.

The passing score on all Components, Parts or Steps of the approved examinations shall be 75.

ILLINOIS REGISTER

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

Language is added to Section 1285.20(6), pertaining to core clerkship rotations, which establishes that two of the four "tracks of the psychiatric core clerkship rotation may be included with other rotations as long as it is obtained formally and distinctly in psychiatry as verified by the applicant's affidavit:

Various grammar and style changes also were made.

- 6) Do these proposed amendments replace an emergency Rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed Rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable):

This rulemaking has no effect on local governments.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 15, 1993.
- B) Types of small businesses affected: Medical doctors, patient care facilities and medical schools.
- C) Reporting, bookkeeping or other procedures required for compliance: Examination scores shall be submitted directly to the Department from the testing entity.

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

Applicants for temporary licenses and licensure by endorsement shall be required to submit certification of original licensure and current licensure instead of from all jurisdictions in which they have held licenses.

Persons seeking Visiting Resident Permits or Visiting Physician Permits in Illinois shall be required to file applications with the Department of Professional Regulation and pay a \$100 fee.

- D) Types of professional skills necessary for compliance:

Medical skills are necessary for licensure.

The full text of the Proposed amendments begins on the next page.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1285
MEDICAL PRACTICE ACT OF 1987SUBPART A: MEDICAL LICENSING, RENEWAL AND
RESTORATION PROCEDURE

Section
1285.20
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Six (6) Year Post-Secondary Programs of Medical Education
Programs of Chiropractic Education
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AUTHORITY: Implementing the Medical Practice Act of 1989 (Ill. Rev. Stat. 1991
4999, ch. 111, pars. 4400-1 4404-4 et seq.) [225 ILCS 60/1 et seq.] and authorized by
Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991 4999, ch.
127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency
amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days;
emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16,
1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at
15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15
Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective
November 26, 1991; amended at 17 Ill. Reg. _____, effective _____.

SUBPART A: MEDICAL LICENSING, RENEWAL & RESTORATION PROCEDURE

Section 1285.20 Six (6) Year Post-Secondary Programs of Medical Education

The standards for the six (6) year post-secondary program of medical or osteopathic
(medical) education described in Section 11(A)(2)(a)(i) of the Medical Practice Act
of 1987 (Ill. Rev. Stat. 4999 1991, ch. 111, par. 4400-1, et seq.) [225 ILCS 60/1] (the
Act) are:

- a) At least two (2) academic years of a course of instruction, in a college,
university or other institution.
- b) At least two (2) academic years of study in the basic medical sciences
which shall include formal instruction in at least the following subjects:
 - 1) anatomy
 - 2) biochemistry
 - 3) physiology

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- 4) microbiology and immunology
 - 5) pathology
 - 6) pharmacology and therapeutics
 - 7) preventive medicine
- c) The required basic science courses stated in subsection (b) must be taken and completed as part of a program of medical education taught at a medical school and shall not be accepted or co-validated from courses completed as a student in a secondary school, community college, or college of liberal arts and sciences at which degrees are earned prior to the commencement of the medical education program.
- d) At least two (2) academic years of study in the clinical sciences, while enrolled in the medical college which conferred the degree, which shall include at least the following required core clerkship rotations:
- 1) internal medicine;
 - 2) obstetrics and gynecology;
 - 3) pediatrics;
 - 4) psychiatry; and
 - 5) surgery.
- e) The core clerkship rotations must have been taken and completed in medical college teaching facilities owned, operated or formally affiliated with the medical college which conferred the degree or under contract in teaching facilities owned, operated or formally affiliated with another medical college which is officially recognized by the jurisdiction in which the medical school which conferred the degree is located.
- f) Each applicant for licensure who completed rotations in an affiliated teaching facility must submit a copy of each affiliation agreement between the medical college which conferred the degree and each clinical teaching facility in which a core clerkship rotation was completed. The affiliation agreement(s) to be considered valid pursuant to Section 11(A)(2)(a)(i) of the Act must:
- 1) be in writing;
 - 2) be dated;
 - 3) be fully executed by the administrator of the clinical teaching facility and the Dean of medical college;
 - 4) clearly define the rights and responsibilities of each party, including agreements on the role and authority of the governing bodies of both the clinical teaching facility and the medical college; and

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- 5) be substantiated by submission of an evaluation form completed by the supervising physician for each core clerkship rotation.
- g) If a written affiliation agreement does not exist, the Department of Professional Regulation (the "Department") shall accept, in lieu of such agreement, an affidavit signed by the current Dean of the medical college and an affidavit signed by the current administrator of the clinical teaching facility which verifies the following:
- 1) that a verbal affiliation agreement existed between the clinical teaching facility and the medical college at the time the core clerkship rotation was completed;
 - 2) that the applicant was authorized to complete such core clerkship rotation;
 - 3) that the core clerkship rotation was completed satisfactorily.
- The affidavits shall be substantiated by submission of the evaluation form completed by the supervising physician for each core clerkship rotation.
- h) For the purposes of this Section, "academic year" shall be defined as a minimum period of nine (9) months which includes no less than 25 clock hours per week of basic sciences as set forth in subsection (b) above and no less than 40 clock hours per week of clinical sciences as set forth in subsection (d) above.
- i) Each clerkship shall be at least four (4) weeks in length, shall consist of hands-on experience with patients which is planned, managed and supervised by faculty of the medical school conferring the degree, and be performed in accordance with all requirements of the jurisdiction in which it is completed. The four week psychiatry core clerkship rotation may be completed as follows: two weeks must be obtained formally and distinctly in psychiatry and the other two week requirements may be included in other clinical rotations as verified by the applicant's affidavit.
- j) Clinical teaching facilities are defined as those which meet or exceed the requirements of Section 1285.40 or which are part of a residency program accredited by the Accreditation Council for Graduate Medical Education (ACCGME), the American Osteopathic Association (AOA), or the Accreditation Council on Canadian Graduate Medical Education (ACCGME).
- k) In addition, if the applicant is a graduate of a medical college outside of the United States or Canada, he/she must successfully complete an examination conducted by the Educational Commission for Foreign Medical Graduates, either the ECFMG or the Visa Qualifying Examination (VQE), or Foreign Medical Graduates Examination in the Medical Sciences

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(FMGEMS), or another comprehensive examination determined by the Department to be substantially equivalent.

- 1) When the accuracy of any submitted documentation, or the relevance or sufficiency of the coursework or core clerkship rotations is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant shall be requested to:

- 1) provide such information as may be necessary; and/or

- 2) appear for an oral interview before the Medical Licensing Board (the "Board") to explain such relevance or sufficiency or otherwise clear up any discrepancies or conflicts in information.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1285.50 Application for Examination

- a) An applicant for licensure to practice medicine in all of its branches must make application to the Department or its designated testing service on forms furnished by the Department at least 90 days prior to such examination.
- b) Each applicant to take the examination for a license to practice medicine in all of its branches shall submit to the Department:

- 1) A fully completed application, which is signed by the applicant on which all questions have been answered, and all programs of medical education attended by the applicant have been identified;
- 2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activity which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
- 3) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285(a) of this Part;

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- 4) An official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree;
- 5) Individuals applying under Section 11(A)(2)(a)(i) shall also submit certification, on forms provided by the Department, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and proof of passage of the examination set forth in Section 1285.20(k).
- 6) Proof of successful completion of the United States Medical Licensing Examination (USMLE) Step 1 and Step 2 in accordance with Section 1285.60 or combination of examinations set forth in Section 1285.60(a)(4). Examination scores shall be submitted directly to the Department from the testing entity.
- 6A) A complete work history since graduation from medical school;
- 7A) Fees as required by Section 21 of the Act;
- 8A) Proof of satisfactory completion of an approved clinical training program in accordance with Section 1285.40;
- 9A) Documentation of clinical skills as set forth in Section 1285.95 of this Part and Section 11(A)(2)(A)(i) of the Act from those applicants who graduated from medical school more than five years prior to the date of application;
- 10A) A certification from the jurisdiction of original licensure and current licensure ~~at other jurisdictions in which the applicant is or has ever been licensed stating:~~
 - A) The date of issuance of the license;
 - B) The basis of licensure and a description of the examination by which the applicant was licensed, if any;
 - C) Name and location of the college, university, or other institution from which the applicant received medical education, type of degree and date degree was conferred; and
 - D) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending.
- c) Examination prior to Completion of Clinical Training
 - 1) A candidate may apply for the examination and take the examination

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given prior to completion of the clinical training required by the Act, provided the ~~said~~ applicant:

- A) is registered in an approved program of clinical training and on whose behalf a temporary license by the Department has been issued pursuant to the provisions of Section 17 of the Act;
- B) satisfies all of the requirements to take the examination for licensure to practice medicine in all of its branches, except completion of an approved program of clinical training; and
- C) furnishes a statement from hospital authorities certifying that ~~said~~ the applicant who is applying to sit for FLEX Component I or FLEX Component II examinations has completed at least four (4) calendar months of ~~said~~ such ~~approved~~ program of clinical training in the approved program, and performance in such training is satisfactory to date, ~~or~~
- D) furnishes a statement from hospital authorities certifying that the applicant who is applying to sit for the USMLE Step III has completed at least twelve (12) calendar months of the approved program of clinical training, and performance in the training is satisfactory to date.
- 2) The results of the examination shall be made available to the applicant but no license shall be issued until the Department receives proof of the applicant's satisfactory completion of the required approved clinical training program.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1285.60 Examinations

- a) Examinations for licensure to practice medicine in all of its branches:

- 1) Examinations conducted by the Department or its designated testing service for licensure to practice medicine in all of its branches shall be conducted in the English language and shall, prior to December 31, 1993, consist of:
 - A) The Federation Licensing Examination-FLEX Component 1 - an examination placing emphasis on basic and clinical science principles and mechanisms underlying high-impact diseases and problems encountered in an in-patient, supervised setting, during the delivery of health care; and

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- B) The Federation Licensing Examination-FLEX Component 2 emphasis on issues related to the general delivery of health care to patients in an ambulatory setting encountered in an independent practice.

2) ~~To be successful examinees must receive a score of at least 75 in each Component of the examination.~~

- 2) For those applicants who have passed FLEX Component 2 but have not successfully completed FLEX Component 1 prior to 1994, the Department shall administer FLEX Component 1 twice in 1994. Any applicant who does not successfully complete FLEX Component 1 during 1994 shall be required to successfully complete USMLE Step 1 and Step 2 in accordance with this Section.

- 3) Beginning January 1, 1994, the examinations for licensure to practice medicine in all of its branches shall be Steps 1, 2, and 3 of the United States Medical Licensing Examination (USMLE)—a joint program of the Federation of State Medical Boards of the U. S. Inc. and the National Board of Medical Examiners.

- A) USMLE Step 1 and Step 2 will be administered by the National Board of Medical Examiners and the Education Commission for Foreign Medical Graduates (ECFMG).

- B) USMLE Step 3 will be administered by the Department or its designated testing service. Examinees shall successfully complete Step 1 and Step 2 before applying to the Department to take Step 3 of the examination.

- 4) The Department will accept the following combinations of examinations completed prior to January 1, 2000:

- A) FLEX Component 1 taken prior to January 1, 1995, and FLEX Component 2 taken prior to January 1, 1994;

- B) FLEX Component 1 plus USMLE Step 3;

- C) National Board of Medical Examiners (NBME) Part 1 or USMLE Step 1 plus NBME Part II or USMLE Step 2 plus FLEX Component 2; or

- D) NBME Part I or USMLE Step 1 plus NBME Part II or USMLE Step 2 plus NBME Part III or USMLE Step 3.

- 5) The passing score on all Components, Parts or Steps of the examinations set forth in subsection (a)(2), (3) and (4) above shall be 75.

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62) In the case of failure on the examination, examinees shall be required to retake only that Component, Part or Step of the examination in which they did not achieve a score of at least 75. Examinees who have completed a component successfully shall be required to retake the entire examination within three (3) years from the date of the filing of their application. In the event both Components are not successfully completed within three (3) years, credit for any Component passed shall be forfeited.

7) In the event all USMLE Steps are not successfully completed within seven (7) years of passing the first step taken, either Step 1 or Step 2, credit for any Step passed shall be forfeited.

8) Any applicant for licensure to practice medicine in all of its branches who has been unsuccessful in 5 examinations (any Component, Part or Step of the examinations accepted by the Department as set forth in subsection (a)(4) above), conducted in this State or any other jurisdiction shall be deemed ineligible for further examination until such time as the Department is in receipt of proof that such applicant has completed, subsequent to his/her fifth failure:

- A) a course of clinical training of not less than 12 months in an accredited clinical training program in the United States or Canada in accordance with Section 1285.40; or
- B) a course of study of nine (9) months in length (one academic year) which includes no less than 25 clock hours per week of basic sciences as set forth in Section 1285.20(b) of this Part and no less than 40 clock hours per week of clinical sciences as set forth in Section 1285.20(d) of this Part; or
- C) any other formal professional study or training in an accredited medical college or hospital, deemed by the Department to meet the requirements of subsection (A) or (B) above.

9) Failure to appear for any Component, Part or Step of the examination for which the applicant has been scheduled shall be considered a failure of the examination.

b) Examinations for licensure to practice chiropractic.

1) Examinations for licensure to practice chiropractic shall be conducted in the English language and shall consist of the examination administered by the National Board of Chiropractic Examiners and shall consist of Part I, Part II, and Part III.

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2) To be successful, examinees must receive a score of at least 75 on all three parts of the examination.

3) Any applicant for licensure as a chiropractic physician who has been unsuccessful in 5 examinations conducted in this State or any other jurisdiction shall be deemed ineligible for further examination until such time as the Department is in receipt of proof (i.e., certificate of completion of training, transcript) that such applicant has completed, subsequent to his/her fifth failure, a course of study of 960 classroom hours (one academic year) in an accredited chiropractic program.

(Source: Amended at 17 Ill. Reg. _____ effective _____)

Section 1285.70 Application for a License on the Basis of Examination

a) Each applicant for a license to practice medicine in all of its branches on the basis of examination must submit to the Department:

- 1) A fully completed application, ~~which is~~ signed by the applicant, on which all questions have been answered; and all programs of medical education attended by the applicant have been identified, including dates of attendance;
- 2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act.
- 3) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;
- 4) A complete work history since graduation from medical school;
- 5) Fee as required by Section 21 of the Act;
- 6) An official transcript and diploma or an official transcript and certification of graduation from the medical education program granting the degree which shall evidence that the applicant has met the minimum medical education requirements of the Act;

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- 7) Certification, on forms provided by the Department, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and proof of successful completion of the examination set forth in Section 1285.20 (k) for those applicants who are applying under Section 11(A)(2)(1) of the Act;
- 8) Proof of satisfactory completion of an approved program of clinical training in accordance with Section 1285.40;
- 9) Proof on forms provided by the Department of the successful completion of the examination set forth in Section 1285.60;
- 10) A certification from the jurisdiction of original licensure and current licensure ~~in which the applicant is or has ever been licensed stating:~~
 - A) The date of issuance of the license;
 - B) The basis of licensure and a description of the examination by which the applicant was licensed, if any;
 - C) Name and location of the college, university or other institution from which the applicant received medical education, type of degree and date degree was conferred;
 - D) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending.
- 11) Documentation of clinical skills, as set forth in Section 1285.95 of this Part and Section 11(A)(2)(a)(i) of the Act, for applicants who graduated from medical school more than 5 years prior to application;
- 12) Proof of waiver.
 - A) The provisions of subsection (9) above shall be waived for a candidate for licensure to practice medicine in all of its branches who makes application to the Department under Section 9 of the Act who submits proof of the successful completion of:
 - i) the National Board of Medical Examiners examination subsequent to January 1, 1964; or
 - ii) the National Board of Examiners for Osteopathic Physicians and Surgeons examination subsequent to June 1, 1973; or

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- iii) the Federation Licensing Examination ("FLEX") in another state obtaining a FLEX weighted average of 75 or more subsequent to June 1, 1968; or
- iv) the Licensure of the Medical Council of Canada examination ("LMCC") subsequent to May 1, 1970; or
- v) The Federation Licensing Examination ("FLEX") in another state obtaining a score of 75 or more in each Component in accordance with Section 1285.60 of this Part; or
- vi) The USMLE Steps 1, 2 and 3 taken in another state obtaining a score of 75 or more on each Step in accordance with Section 1285.60 of this Part; or
- vii) Any combinations of the FLEX, NBME or USMLE examinations as set forth in and in accordance with Section 1285.60(a)(4) of this Part on which a score of 75 or more has been obtained.
- B) Verification of the successful completion of the above described examinations shall show the scores achieved by the applicant on the examination with certificate number(s) and where and when the applicant took the examination.
- b) Each applicant for a license to practice as a chiropractic physician must submit to the Department:
 - 1) A fully completed application, ~~which is~~ signed by the applicant, on which all questions have been answered, and all programs of chiropractic education attended by the applicant have been identified, including dates of attendance;
 - 2) An official transcript of a course of instruction, prerequisite to professional training in a college, university or other institution from which the applicant received chiropractic education;
 - 3) An official transcript and copy of diploma or official transcript and certification of graduation from the education program granting the professional degree; ~~such~~ the transcript shall indicate that the applicant has met the minimum chiropractic education requirements of Section 11 of the Act;

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- 4) Proof that the applicant is of good moral character and has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
- 5) A complete work history since graduation from chiropractic school;
- 6) Fee as required by Section 21 of the Act;
- 7) Proof of the successful completion of Part I, Part II and Part III of the examination pursuant to Section 1285.60(b) forwarded directly to the Department from the National Board of Chiropractic Examiners, and
- 8) Certification from the jurisdiction of original licensure and current licensure ~~all other jurisdictions in which the applicant has ever been licensed stating:~~
 - A) The date of issuance of the license;
 - B) The basis of licensure and a description of the examination by which the applicant was licensed, if any;
 - C) Name and location of the college, university, or other institution from which the applicant received chiropractic education, type of degree and date degree was conferred;
 - D) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1285.80 Licensure by Endorsement

- a) Each applicant currently licensed in another jurisdiction who applies to the Department for a license to practice medicine in all of the branches on the basis of endorsement must cause to be submitted to the Department:
 - 1) A ~~fully-completed~~ signed application ~~which is signed~~, on which all questions have been answered and all programs of medical education attended by the applicant have been identified, including dates of attendance;

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- 2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
- 3) An official transcript of the course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;
- 4) An official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree which shall evidence that the applicant has met the minimum medical education requirements of the Act;
- 5) Certification on forms provided by the Department, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and proof of passage of the examination set forth in Section 1285.20(k) for those applicants who are applying under Section 11(A)(2)(d)(i) of the Act;
- 6) An original, notarized English translation for any document submitted to the Department in a foreign language;
- 7) Proof of postgraduate clinical training in the United States or Canada;
- 8) Certification from the jurisdiction of original and current licensure ~~all other jurisdictions in which the applicant has ever been licensed stating:~~
 - A) The date of issuance of the license;
 - B) The basis of licensure and a description of the examination by which the applicant was licensed, if any;
 - C) Name and location of the college, university, or other institution from which the applicant received the medical education, type of degree and date degree was conferred;
 - D) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending.
- 9) A complete work history since graduation from medical school;

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10) The fee required by Section 21 of the Act.

- b) In addition to submitting the application required in subsection (a) above, each applicant for licensure to practice medicine in all of its branches pursuant to the provisions of Section 19 upon the basis of having passed a National Board of Medical Examiners Examination prior to January 1, 1964, or having passed a National Board of Examiners for Osteopathic Physicians and Surgeons Examination before June 1, 1973, or having passed the Licentiate of the Medical Council of Canada ("LMCC") before May 1, 1970, or having passed the Federation Licensing Examination (FLEX) prior to June 1, 1968, or a State Constructed Examination, shall, subject as hereinafter provided, pass an examination conducted by the Department or its designated testing service to test the clinical competence of such the applicant ("clinical test"). The Department upon recommendation of the Medical Licensing Board has determined that the examination conducted under this Section shall be Component 2 of the Federation Licensing Examination (FLEX) prior to December 31, 1993, USMLE Step 3 after January 1, 1994 or the Special Purpose Examination (SPEX) as determined by the Board.

- 1) To be successful in Component 2 of the FLEX examination, USMLE Step 3 or the SPEX examination, applicants must receive a score of 75 or better. In the case of failure on three (3) attempts of the Component 2 examination, USMLE Step 3 or SPEX Examination, or any combination thereof, the application for licensure on the basis of endorsement shall be denied. Such individuals may thereafter submit an application for licensure on the basis of examination and, if qualified, take the entire examination referenced in Section 1285.60(a)(1), (2) and (3) of this Part in accordance with the manner described therein.

- 2) The Medical Licensing Board may, in its discretion and in individual cases where the applicable conditions of Section 19 of the Act have been satisfied, make a recommendation to the Director of the Department of Professional Regulation ("Director") for the waiver of the clinical examination requirement herein provided with respect to any such applicant for a license to practice medicine in all of its branches after full consideration of the quality of his/her medical education and clinical training or practical experience, including, but not limited to, whether the applicant is Board Certified in a specialty, has achieved special honors or awards, has had articles published in recognized and reputable journals, has written or participated in the writing of textbooks in medicine and any other circumstance or attribute which the Medical Licensing Board accepts as evidence that such the applicant has outstanding and proven ability in any branch of medicine.

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- c) Each applicant currently licensed in another jurisdiction who applies to the Department for a license in Illinois as a chiropractic physician by endorsement must cause to be sent to the Department:

- 1) A ~~fully-completed~~ signed application ~~which is signed-by-the-applicant~~ on which all questions have been answered; and all programs of chiropractic education attended by the applicant have been identified, including dates of attendance;
- 2) An official transcript of a course of instruction prerequisite to professional training in a college, university or other institution;
- 3) An official transcript and copy of diploma or official transcript and certification of graduation from the medical education program granting the degree; ~~such~~ the transcript shall indicate that the applicant has met the minimum chiropractic education requirements of the Act;
- 4) Proof that the applicant is of good moral character and has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
- 5) Successful completion of Part I, Part II and Part III of the examination administered by the National Board of Chiropractic Examiners.
 - A) The Medical Licensing Board may, in its discretion and in individual cases where the applicable conditions of Section 19 of the Act have not been satisfied, make a recommendation to the Director to require an applicant to successfully complete the Special Purposes Exam (SPEX) or Part III of the examination administered by the National Board of Chiropractic Examiners or for the waiver of Part III of the examination requirement herein provided with respect to any such applicant for a license to practice chiropractic medicine.

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- B) The Medical Licensing Board may recommend a waiver of Part III of the examination or the SPEC examination requirement in making the recommendation; the Licensing Board shall consider the quality of the chiropractic education and practical experience, including, but not limited to, whether he/she is Board Certified in a specialty, has achieved special honors or awards, has had articles published in recognized and reputable journals, has written or participated in the writing of textbooks in chiropractic and any other circumstance or attribute which the Medical Licensing Board accepts as evidence that such the applicant has outstanding and proven ability in chiropractic.
- 6) Certification from the jurisdiction of original and current licensure ~~and all other jurisdictions in which the applicant is or has ever been licensed stating:~~
- The date of issuance of the license;
 - The basis of licensure and a description of the examination by which the applicant was licensed, if any;
 - Name and location of the college, university, or other institution from which the applicant received his/her chiropractic education, type of degree and date degree was conferred; and
 - Whether the records of the licensing authority contain any record of any disciplinary action taken or pending.
- 7) A complete work history since graduation from chiropractic school; and
- 8) The fee required by Section 21 of the Act.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1285.90 Temporary Licenses

- To allow for timely processing, an application for a Temporary License to pursue specialty/residency training shall be filed, on forms provided by the Department, at least 60 days prior to the commencement date of the training.
- No application shall be considered complete unless it is signed by the applicant, all questions have been answered and it contains or is accompanied by:

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- Proof that the applicant is of good moral character and has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board.
- An official transcript of the courses of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part.
- An official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree which shall evidence that the applicant has met the minimum education requirements of the Act;
- Certification on forms provided by the Department, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part for those applicants applying under Section 11(A)(2)(a)(i) of the Act;
- Proof that the applicant will be accepted or appointed to a position in a specialty/residency program which is approved by the Department, pursuant to the provisions of Section 1285.40 and the number of postgraduate years for which he has been accepted or appointed;
- A statement identifying all medical education programs attended, including dates of attendance;
- An original notarized English translation for any document submitted to the Department in a foreign language;
- A complete work history since graduation from medical school;
- The fee required by Section 21 of the Act;
- Certification from the jurisdiction of original licensure and current licensure ~~at other jurisdictions in which the applicant is or has ever been licensed stating:~~
 - The date of issuance of the license;
 - The basis of licensure and a description of the examination by which the applicant was licensed, if any;

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- C) Name and location of the college, university or other institution from which the applicant received medical education, type of degree and date degree was conferred; and
- D) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending.
- 11) Documentation of clinical skills as set forth in Section 1285.95 of this Part and Section 11(A)(2)(a)(i) of the Act for applicants who graduated from medical school more than 5 years prior to the date of application.
- C) Written notice of the Department's final action on every application for a temporary license shall be given to the applicant and hospital designated hereon. If such application is approved pursuant to Section 17 of the Act and this Section, the temporary license shall be delivered or mailed to the hospital and shall be kept in the care and custody of such hospital. Any person not licensed to practice medicine in all of its branches in the State of Illinois who is enrolled in a clinical training program shall have had a Temporary License issued on his/her behalf to an approved program of training prior to the commencement of the training.
- D) Commencement of the specialty/residency training program prior to the issuance of a temporary license shall be construed as the unlicensed practice of medicine.
- E) A Temporary License shall be issued for a maximum of three years as provided in this Section. In no event shall a Temporary License be issued for less than one year except as provided in subsection (i) below or for any purpose other than a post-graduate specialty/residency program required for licensure under the Act.
- F) No more than one Temporary License shall be issued to any person for the same period of time.
- G) When a resident is dismissed or otherwise terminates the specialty/residency program, it shall be the responsibility of the staff of the program to notify the Department immediately, return the Temporary License to the Department and submit a written explanation to the Department indicating why the resident was dismissed or terminated. If the Temporary License has been lost or destroyed, the staff of the program shall submit a written explanation to the Department.

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- H) A Temporary License may be transferred from one program to another only upon the return of the Temporary License and receipt by the Department of a new application which contains a work history and a certificate of acceptance that the resident will be accepted or appointed to a specialty/residency position in an approved program. Requests for transfers shall be filed with the Department at least 60-days prior to the commencement date of the new program.
- I) The Department shall allow a 14-day extension of the temporary license beyond the 3-year period without filing an extension application. In order to extend beyond the 14-day period, a new application shall be filed with the Department which contains:
- 1) a certificate of acceptance indicating that the resident has been accepted or appointed to a specialty/residency position in an approved program;
 - 2) a work history; and
 - 3) a letter from the residency program director advising why an extension is being requested.
- J) Temporary licenses may be extended only when the applicant
- 1) is serving full-time in the Armed Forces;
 - 2) has an incapacitating illness as documented by a currently licensed physician;
 - 3) provides proof of continuance of a residency training program in order to meet the remedial requirements for licensure set forth in Section 1285.60(a)(4); or
 - 4) provides proof of continuance of a residency training program.
- K) The Department shall issue Limited Temporary Licenses for no more than six (6) months on behalf of individuals who apply, on forms provided by the Department, and submit evidence that:
- 1) The applicant is enrolled in a postgraduate clinical training program which meets the requirements of Section 1285.40 outside of the State of Illinois;
 - 2) The applicant has been accepted for a specific period of time to perform, under supervision, a portion of the clinical training at a clinical training program approved pursuant to the provisions of Section 1285.40 in the State of Illinois due to the absence of adequate facilities in another State;

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- 3) The approved clinical training program in Illinois has assumed supervisory responsibility for the individual during the period specified on his application; and
- 4) A Limited Temporary License may be extended only when the applicant:
 - A) is serving full-time in the Armed Forces;
 - B) has an incapacitating illness as documented by a currently licensed physician; or
 - C) provides proof of continuance of a residency training program as documented by the residency training program director.
- 1) Any individual who participates in any portion of a specialty/residency program without a Temporary license issued by the Department shall be considered to be involved in the unlicensed practice of medicine.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1285.91 Visiting Resident Permits

- a) An individual who has been invited or appointed to perform a portion of a post graduate clinical training program in an Illinois patient care clinic or facility pursuant to Section 18(C) of the Act shall file an application on forms provided by the Department, at least 60 days prior to the commencement date of the training.
- b) No application shall be considered complete unless it is signed by the applicant, all questions have been answered and it contains or is accompanied by:
 - 1) Proof that the applicant has been invited or appointed to perform a portion of the post graduate clinical training program in Illinois;
 - 2) Name and address of the patient care clinic(s) or facility(s) and the date the training is to begin and the length of time of the invitation or appointment;
 - 3) Name and license number of the Illinois physician(s) who will be responsible for supervising the applicant;
 - 4) Certification from the post graduate training program that the applicant is approved and enrolled in an out of state post graduate training program approved by the Department;

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- 2) Either:
 - A) Proof that the applicant maintains an equivalent authorization to practice medicine in all of its branches or to practice the treatment of human ailments without the use of drugs and without operative surgery in the applicant's native jurisdiction or
 - B) Certification of licensure from the jurisdiction in which the applicant's clinical training program is located stating:
 - 1) the date of issuance of the license;
 - 2) whether the records of the licensing authority contain any record of any disciplinary action taken or pending; and
 - 3) A fee of \$100.
- c) A visiting resident permit will be issued for 180 days.
- d) No more than one visiting resident permit shall be issued to any person for the same period of time.
- e) Written notice of the Department's final action on every application for a visiting resident permit shall be given to the applicant and the patient care clinic(s) or facility(s). If the application is approved pursuant to Section 18(C) of the Act and this Section, the visiting resident permit shall be delivered or mailed to the patient care clinic or facility.
- f) Commencement of the post graduate training program prior to the issuance of the visiting resident permit shall be construed as unlicensed practice.
- g) When a visiting resident is dismissed or otherwise terminates the specialty/residency program, it shall be responsibility of the staff of the training institution or facility to notify the Department immediately return the Visiting Resident Permit to the Department and submit a written explanation to the Department indicating why the visiting resident was dismissed or terminated. If the visiting resident permit has been lost or destroyed, the staff of the program shall submit a written explanation to the Department.

(Source: Added at 17 Ill. Reg. _____, effective _____)

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Section 1285.100 Visiting Professor Permits

- a) Any person not licensed in this State to practice medicine in all of its branches or as a chiropractic physician who has been appointed as a visiting professor at a program of medicine in this State must be the holder of a Visiting Professor Permit issued by the Department pursuant to the provisions of Section 18 of the Act.
- b) An application for a Visiting Professor Permit shall be made on forms provided by the Department. ~~Such~~ The application shall include:

- 1) The name and location of the applicant's program of medicine, dates of attendance, date and type of degree conferred;
- 2) Certification from the jurisdiction of original licensure indicating:
 - A) The date of licensure;
 - B) The method of licensure;
 - C) The current status of the license.
- 3) Verification, signed by a dean of a program of medicine located in another jurisdiction, that the applicant was qualified and held professor status in the program;

- 4) Certification from the Dean of the program of medicine indicating:

- A) That the entity has contracted with the applicant and the applicant he has received a faculty appointment to teach in the program;
 - B) The nature of the educational services to be provided by the applicant;
 - C) The term of the contract;
- 4E) A copy of the applicant's current curriculum vitae; and,
 - 5E) The fee of \$300.

- c) In determining the need for the issuance of a Visiting Professor Permit, the Department, upon the recommendation of the Medical Licensing Board, shall consider: 4) The availability to the program of medicine of the services for which the Visiting Professor Permit is sought;

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- 2A) ~~Whether the applicant could qualify for licensure pursuant to Sections 17, 13, 14, 15 and 19 of the Medical Practice Act of 1957 and Sections 1285.20, 1285.50, 1285.60 and 1285.80 of this Act.~~

- d) Written notice of the Department's final action on every application for a Visiting Professor Permit shall be given to the applicant and the program of medicine designated ~~therein within 60 days of the completion of the application.~~ When such the application is approved the Visiting Professor Permit shall be delivered or mailed to the program of medicine. The applicant shall not commence such the faculty appointment before the program receives written notification of the approval of the application.

- e) A Visiting Professor Permit shall be valid for one (1) year and may be renewed only once for one year.

- f) Application for renewal of a Visiting Professor Permit shall be made on forms supplied by the Department at least sixty (60) days prior to expiration of the permit. ~~Such~~ The application shall include:

- 1) Certification from the Dean of the program of medicine indicating the term of the renewal contract, not to exceed one year from the date of the original expiration date;
- 2) Certification from the jurisdiction of original licensure indicating the current status of the license; and
- 3) The fee of \$300.

- g) When any person on whose behalf a Visiting Professor Permit has been issued shall be discharged or shall terminate his/her faculty appointment, any certificate issued in the name of such person shall be null and void as of the date of such discharge or termination. ~~Such~~ The program of medicine shall immediately deliver or mail by registered mail to the Department the Visiting Professor Permit and written notice of the reason for the return of the permit.

- h) Only one Visiting Professor Permit and one renewal shall be issued to an applicant. If, at the conclusion of the term of the faculty appointment for which the permit was issued, the holder of such the permit desires to remain in the State and practice or teach his/her profession, he/she must apply for and receive a license to practice that profession.

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- i) Whenever a program of medicine is required to deliver or return a Visiting Professor Permit to the Department and that permit has been lost or destroyed or is for any other reason unavailable for return to the Department, the program of medicine shall immediately mail or deliver to the Department a written explanation concerning the inability to return the permit.
- j) Nothing herein shall prohibit the holder of a Visiting Professor Permit from applying for and receiving a license to practice his/her profession in this State during the term of his/her faculty appointment. In the event the holder of such a permit is issued a license to practice his/her profession in this State, upon receipt of the license, the permit shall become null and void and shall be returned to the Department pursuant to the provisions of subsection (f) above.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 1285.101 Visiting Physician Permits

- a) Any person not licensed in this State to practice medicine in all of its branches or as a chiropractic physician who has received an invitation or appointment to study a specific medical, osteopathic, chiropractic or clinical subject or technique in a medical, osteopathic, chiropractic school or hospital in this State must be the holder of a Visiting Physician Permit issued by the Department pursuant to the provisions of Section 18(B) of the Act.
- b) An application for a Visiting Physician Permit shall be made on forms provided by the Department. The application shall include:
- 1) Certification from the jurisdiction of current licensure indicating the date of licensure and current status of the license;
 - 2) Certification from the dean or program director of the school or hospital indicating:
 - A) That the person has received an invitation or appointment to study a specific clinical subject or technique;
 - B) The nature of the educational services to be provided to the applicant;
 - C) The term of the contract;
 - 3) A copy of the applicant's current curriculum vitae; and

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4) The fee of \$100.

- c) In determining the need for the issuance of a Visiting Physician Permit, the Department, upon the recommendation of the Medical Licensing Board, shall consider the availability to the program of medicine of the services for which the Visiting Physician Permit is sought.
- d) Written notice of the Department's final action on every application for a Visiting Physician Permit shall be given to the applicant and/or the school or hospital designated. When the application is approved, the Visiting Physician Permit shall be delivered or mailed to the program of medicine. The applicant shall not commence the appointment before the program receives written notification from the Department of the approval of the application.
- e) A Visiting Physician Permit shall be valid for 120 days or until such time as the clinical studies or techniques are completed, whichever occurs first.
- f) When the holder of a Visiting Physician Permit has been discharged or terminated from an appointment, any certificate issued in the name of the person shall be null and void as of the date of the discharge or termination. The school or hospital shall immediately deliver or mail by registered mail to the Department the Visiting Physician Permit and written notice of the reason for the return of the permit.
- g) Only one Visiting Physician Permit shall be issued to an applicant. If, at the conclusion of the term of the appointment for which the permit was issued, the holder of the permit desires to remain in the State and practice or teach his/her profession, he/she must apply for and receive a license to practice medicine in all of its branches or as a chiropractic physician.
- h) Whenever a program of medicine is required to deliver or return a Visiting Physician Permit to the Department and that permit has been lost or destroyed or is for any other reason unavailable for return to the Department, the program of medicine shall immediately mail or deliver to the Department a written explanation concerning the inability to return the permit.
- i) Nothing shall prohibit the holder of a Visiting Physician Permit from applying for and receiving a license to practice his/her profession in this State during the term of the appointment. In the event the holder of a permit is issued a license to practice in this State, upon receipt of the license, the permit shall become null and void and shall be returned to the Department pursuant to the provisions of subsection (f) above.

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Section 270.1050 incorporates statutes and rules by reference.

Section 270.1100 sets forth the elements of the demonstration program, including the number and location of participants.

Section 270.1200 establishes the application procedure for licensure as a subacute care hospital model.

Section 270.1300 lists the obligations and privileges of subacute hospital models, including the obligation to seek certification under Titles XVIII and XIX of the Federal Social Security Act within 30 days of licensure.

Section 270.1400 provides requirements for inspections and investigations of program participants, to ensure compliance with the Act and this Part.

Section 270.1500 sets forth provisions for the issuance of a Notice of Violation and request for a plan of correction.

Section 270.1600 provides criteria for adverse licensure action against facilities and for determination of an administrative fine.

Section 270.1700 requires facilities to establish admission criteria and a preadmission screening process and to conduct a nursing assessment at the time each patient is admitted.

Section 270.1800 sets forth requirements for patient assessment, which must be completed within 14 days of admission and promptly after a significant change in the patient's physical or mental condition.

Section 270.1900 establishes provisions for the development of a comprehensive care plan for each patient, based on the results of the patient assessment and including measurable objectives and timetables to meet a patient's medical, nursing, mental and psychosocial needs.

Section 270.2000 sets forth provisions for the rights of patients in facilities licensed as subacute care hospital models.

Section 270.2100 establishes requirements for patient care services, including physician supervision, registered nursing, physiological monitoring, transfer agreements, and integration of services with nearby health care facilities.

Section 270.2200 establishes personnel requirements and provisions for training of facility staff.

Section 270.2300 requires the licensee to develop and implement a quality assessment and improvement program and sets forth the goals to be met.

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These proposed rules have been developed with input from the State Board of Health at its meeting on June 10, 1993.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Renewal Date?

Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☒ No ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes: _____

Section Numbers

Proposed Action

Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

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These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

hospitals, skilled nursing facilities

C) Renoting, Bookkeeping or Other Procedures Required for Compliance:

D) Types of Professional Skills Necessary for Compliance:

skills needed to provide care at a subacute level

The full text of the Proposed Rules begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 270
SUBACUTE CARE HOSPITAL DEMONSTRATION PROGRAM CODE

Section	Definitions
270.1000	Incorporation by Reference
270.1050	Demonstration Program Elements
270.1100	Application for and Issuance of a License to Operate a Subacute Care Hospital Model
270.1200	Obligations and Privileges of Subacute Care Hospital Models
270.1300	Inspections and Investigations
270.1400	Notice of Violation and Plan of Correction
270.1500	Adverse Licensure Action
270.1600	Admission Practices
270.1700	Patient Assessment
270.1800	Comprehensive Care Plan
270.1900	Patient's Rights
270.2000	Patient Care Services
270.2100	Personnel
270.2200	Quality Assessment and Improvement
270.2300	

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3/1 et seq.].

SOURCE: Adopted at 17 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 270.1000 Definitions

The following terms shall have the meanings ascribed to them here whenever the term is used in this Part.

Act - the Alternative Health Care Delivery Act [210 ILCS 3/1 et seq.].

Board - THE STATE BOARD OF HEALTH. (Section 10 of the Act)

Comparable Health Care Providers - other facilities holding the comparable Illinois Department of Public Health license.

Comprehensive Care Plan - a document, developed by the Interdisciplinary Team, that

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includes measurable objectives and timetables to meet a patient's medical, nursing, mental and psychosocial needs that are identified in the comprehensive assessment. Intermediate steps must be included for each objective if identification of those steps will enhance the patient's ability to meet the objectives.

Demonstration Program or Program - A PROGRAM TO LICENSE AND STUDY ALTERNATIVE HEALTH CARE MODELS AUTHORIZED UNDER THE ACT. (Section 10 of the Act)

Department - THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH. (Section 10 of the Act)

Dietician - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Director - the DIRECTOR OF PUBLIC HEALTH or his designee. (Section 10 of the Act)

Hospital - a facility licensed pursuant to the Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 142 et seq.) [210 ILCS 85/1 et seq.]

Inspection - any survey, evaluation or investigation of the subacute care hospital model's compliance with the Act and this Part by the Department or designee.

Interdisciplinary Team - a group primarily responsible for preparing the comprehensive care plan, which includes the patient, the patient's representative, the attending physician, a registered nurse with responsibility for caring for the patient and other appropriate staff in disciplines determined by the patient's needs and facility policy.

Licensee - the person or entity licensed to operate the subacute care hospital model.

Nursing Home - a facility licensed pursuant to the Nursing Home Care Act to provide skilled nursing care (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45/1-101 et seq.]

Patient's Representative - a person authorized by the patient or by law to act on behalf of the patient.

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Physician - a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60/1 et seq.]

Physiological Monitoring on a Continual Basis - electronic monitoring of a physiological function such as breathing, cardiovascular functioning or biochemical functioning on a continual basis.

Registered Nurse - a person who is licensed as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 3501 et seq.) [225 ILCS 65/1 et seq.]

Subacute Care - the provision of inpatient services in a subacute care hospital model FOR PATIENTS WHO NEED A GREATER INTENSITY OR COMPLEXITY OF CARE THAN GENERALLY PROVIDED IN A SKILLED NURSING FACILITY BUT WHO NO LONGER REQUIRE the stabilization or treatment provided in ACUTE HOSPITAL CARE. SUBACUTE CARE INCLUDES PHYSICIAN SUPERVISION, REGISTERED NURSING AND PHYSIOLOGICAL MONITORING ON A CONTINUAL BASIS. (Section 35 of the Act)

Subacute Care Hospital Model - A FREESTANDING BUILDING OR A DISTINCT PHYSICAL AND OPERATIONAL ENTITY WITHIN A HOSPITAL OR NURSING HOME BUILDING that is licensed to participate in the Demonstration Program. A SUBACUTE CARE HOSPITAL MODEL SHALL ONLY CONSIST OF BEDS EXISTING IN LICENSED HOSPITALS OR SKILLED NURSING FACILITIES. (Section 35 of the Act)

Substantial Compliance - meeting requirements except for variance from the strict and literal performance which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 270.1200.

Section 270.1050 Incorporation by Reference

The following Illinois statutes and administrative rules of the Department of Public Health are incorporated by reference in this Part.

- a) Hospital Licensing Act and Hospital Licensing Requirements (77 Ill. Adm. Code 250)
- b) Nursing Home Care Act and Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
- c) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

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- d) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- Section 270.1100 Demonstration Program Elements
- a) The Subacute Care Hospital Demonstration Program shall operate for a period of up to five years, commencing with the effective date of this Part.
- b) The Program shall consist of NO MORE THAN TWO SUBACUTE CARE HOSPITAL MODELS for each of the following areas, at any given time during the operation of the Program:
- 1) THE CITY OF CHICAGO;
 - 2) COOK COUNTY OUTSIDE THE CITY OF CHICAGO;
 - 3) DUPAGE, KANE, LAKE, MCHENNY AND WILL COUNTIES;
 - 4) MUNICIPALITIES WITH A POPULATION GREATER THAN 50,000 NOT LOCATED IN THE AREAS DESCRIBED IN subsections (b)(1), (b)(2), and (b)(3) of this Section; and
 - 5) RURAL AREAS. (Section 30 of the Act)
- c) A Subacute Care Hospital Model shall be licensed pursuant to this Part to be considered a participant in the Program.
- d) Applications for participation in the Program shall be considered only when a vacancy exists in one of the allocated Program slots for the relevant geographic area.
- e) AT THE MIDPOINT AND END OF THE PROGRAM, THE BOARD SHALL EVALUATE AND MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY, THROUGH THE DEPARTMENT, REGARDING THE PROGRAM, in accordance with Section 20(b) of the Act
- f) THE DEPARTMENT SHALL DEPOSIT ALL APPLICATION FEES, RENEWAL FEES AND FINES COLLECTED UNDER THE ACT and this Part INTO THE REGULATORY EVALUATION AND BASIC ENFORCEMENT FUND IN THE STATE TREASURY. (Section 25(d) of the Act)

Section 270.1200 Application for and Issuance of a License to Operate a Subacute Care Hospital Model

- a) The applicant shall be licensed as a skilled nursing home or a pediatric skilled nursing home pursuant to the Nursing Home Care Act or as a hospital pursuant to the Hospital

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Licensing Act.

- b) Applications for a license to operate a subacute care hospital model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:
- 1) Proof of a Certificate of Need to establish and operate a subacute care hospital model issued by the Health Facilities Planning Board under the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 115 et seq.) [20 ILCS 3960/1 et seq.];
 - 2) The name and address of the hospital or skilled nursing home licensee, which shall be the name of the Model licensee;
 - 3) The name of the proposed Model;
 - 4) The address of the proposed Model, if it is a freestanding building;
 - 5) A precise description of the site of the proposed Model if it is located within the hospital or skilled nursing home, including the room numbers;
 - 6) The number of subacute care beds;
 - 7) For a freestanding building, the room numbers for beds in the hospital or skilled nursing home that will be converted to subacute care beds in the Model facility;
 - 8) The name and address of the registered agent or other individual authorized to receive Service of Process for the Model licensee; and
 - 9) The name of the person or persons under whose management or supervision the facility will be operated.
- c) An application for initial licensure shall be accompanied by an application fee of \$500 plus \$100 for each subacute care hospital model bed.
- d) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
- e) If the proposed Model is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year.
- 1) The license shall not be transferable; it is issued to the licensee and for the specific location and number of beds identified in the application;

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- 2) The license shall become automatically void and shall be returned to the Department if the facility's hospital or skilled nursing home license is revoked, nonrenewed or relinquished, denied, forfeited or suspended.
- f) An application for license renewal shall be filed with the Department 90-120 days prior to the expiration of the license, on forms provided by the Department.

- 1) The renewal application shall comply with the requirements of subsections (a), (b) and (c) of this Section; and
- 2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department shall renew the license in accordance with subsection (e) of this Section.
- g) THE DEPARTMENT MAY ISSUE A PROVISIONAL LICENSE TO ANY subacute care hospital MODEL THAT DOES NOT SUBSTANTIALLY COMPLY WITH THE PROVISIONS OF THE ACT and this Part:

- 1) A provisional license may be issued only IF THE DEPARTMENT FINDS THAT:
- A) THE MODEL HAS UNDERTAKEN CHANGES AND CORRECTIONS WHICH UPON COMPLETION WILL RENDER THE MODEL IN SUBSTANTIAL COMPLIANCE WITH THE ACT; AND
- B) THE HEALTH AND SAFETY OF THE PATIENTS in the model WILL BE PROTECTED DURING THE PERIOD FOR WHICH THE PROVISIONAL LICENSE IS ISSUED. (Section 30 (c) of the Act)
- 2) THE DEPARTMENT SHALL ADVISE THE APPLICANT OR LICENSEE OF THE CONDITIONS UNDER WHICH THE PROVISIONAL LICENSE IS ISSUED, INCLUDING:

- A) THE MANNER IN WHICH THE MODEL FAILS TO COMPLY WITH THE PROVISIONS OF THE ACT;
- B) The changes and corrections that shall be completed;
- C) THE TIME WITHIN WHICH THE NECESSARY CHANGES AND CORRECTIONS SHALL BE COMPLETED; (Section 30 (c) of the Act) and
- D) The interim actions that are necessary to protect the health and safety of the patients.

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- h) The Subacute Care Hospital Model license or provisional license shall be prominently displayed in an area accessible to the public.
- i) A Subacute Care Hospital Model licensed under this Part shall operate in conformance with the Hospital Licensing Act or Nursing Home Care Act, and the rules promulgated thereunder, corresponding to its primary facility license, for all matters and requirements not specifically addressed in this Part.

Section 270.1300 Obligations and Privileges of Subacute Care Hospital Models

- a) Subacute care hospital models SHALL, within 30 days of licensure, SEEK CERTIFICATION UNDER TITLES XVII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT. (Section 30(d) of the Act)
- b) Subacute care hospital models SHALL PROVIDE CHARITABLE CARE CONSISTENT WITH THAT PROVIDED BY COMPARABLE HEALTH CARE PROVIDERS IN THE GEOGRAPHIC AREA. For the purpose of this Part, COMPARABLE HEALTH CARE PROVIDERS shall include hospitals, rehabilitation hospitals and skilled nursing facilities. (Section 30(d) of the Act)
- c) A LICENSED subacute care hospital model THAT CONTINUES TO BE IN SUBSTANTIAL COMPLIANCE AFTER THE CONCLUSION OF THE DEMONSTRATION PROGRAM SHALL BE ELIGIBLE FOR ANNUAL LICENSE RENEWALS UNLESS AND UNTIL A DIFFERENT LICENSURE PROGRAM FOR THAT TYPE OF HEALTH CARE MODEL IS ESTABLISHED BY LEGISLATION. (Section 30(e) of the Act)
- d) A SUBACUTE CARE HOSPITAL model shall never USE THE WORD "HOSPITAL" IN ITS ADVERTISING OR MARKETING ACTIVITIES OR REPRESENT OR HOLD ITSELF OUT TO THE PUBLIC AS A GENERAL ACUTE CARE HOSPITAL. A subacute care hospital model may not accept or purport to treat patients in an emergency condition, and may not operate an emergency department open to the general public. (Section 35 of the Act)
- e) THE AVERAGE LENGTH OF STAY FOR PATIENTS TREATED IN A SUBACUTE CARE HOSPITAL MODEL SHALL NOT BE LESS THAN 20 DAYS, AND FOR INDIVIDUAL PATIENTS, THE EXPECTED STAY AT THE TIME OF ADMISSION SHALL NOT BE LESS THAN 10 DAYS. VARIATIONS FROM MINIMUM LENGTHS OF STAY SHALL BE REPORTED TO THE DEPARTMENT semi-annually, in writing. (Section 35 of the Act)

Section 270.1400 Inspections and Investigations

- a) THE DEPARTMENT SHALL PERFORM LICENSURE INSPECTIONS OF subacute

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care hospital models, as deemed necessary, to ensure compliance with the Act and this Part. (Section 25(c) of the Act)

- b) All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to all inspections by properly identified personnel of the Department, or by other such properly identified persons as the Department might designate. In addition, representatives of the Department shall have access to and may reproduce or photocopy any books, records and other documents maintained by the facility or the licensee to the extent necessary to carry out the Act and this Part.
- c) THE DEPARTMENT SHALL INVESTIGATE AN APPLICANT OR LICENSEE whenever it receives a VERIFIED COMPLAINT IN WRITING OF ANY PERSON SETTING FORTH FACTS WHICH, IF PROVEN, WOULD CONSTITUTE GROUNDS FOR THE DENIAL OF AN APPLICATION FOR A LICENSE, REFUSAL TO RENEW A LICENSE, OR SUSPENSION OR REVOCATION OF A LICENSE. (Section 50 of the Act)
- d) THE DEPARTMENT MAY ALSO INVESTIGATE AN APPLICANT OR LICENSEE ON ITS OWN MOTION or based upon complaints received by mail, telephone or in person. (Section 50 of the Act)

Section 270.1500 Notice of Violation and Plan of Correction

- a) Upon determination that the licensee or applicant is in violation of the Act or this Part, the Department shall issue a written Notice of Violation and request a plan of correction. The notice shall specify the violations, and shall instruct the licensee or applicant to submit a plan of correction to the Department within 10 days after receipt of the Notice.
- b) Within the ten-day period, a licensee or applicant may request additional time for submission of the plan of correction. The Department may extend the period for submission of the plan of correction for an additional 30 days, when the Department finds that corrective action by a facility to abate or eliminate the violation will require substantial capital improvement. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the patients of the facility in determining whether to grant a requested extension.
- c) Each plan of correction shall be based on an assessment by the facility of the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction shall include:
 - 1) A description of the specific corrective action the facility is taking, or plans to

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take, to abate, eliminate, or correct the violation cited in the Notice.

- 2) A description of the steps that will be taken to avoid future occurrences of the same and similar violations.
- 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.
- e) The Department shall review each plan of correction to ensure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:
 - 1) The plan does not appear to address the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences.
 - 2) The plan is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.
 - 3) The plan does not provide for measures that will abate or eliminate, or correct the violation.
 - 4) The plan does not provide steps that will avoid future occurrences of the same and similar violations.
 - 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the patients, and the extent and complexity of the correction action.
- f) The Department shall notify the licensee or applicant in writing of the acceptance or rejection of the plan of correction, including specific reasons for the rejection of the plan. The facility shall have 10 days after receipt of notice of rejection in which to submit a modified plan that addresses the requirements of subsection (c) of this Section.
- g) If a licensee or applicant fails to make a timely submission of a modified plan of correction, or such modified plan is not acceptable to the Department, a plan of correction shall be specified and imposed by the Department.
- h) The Department shall verify the completion of the corrective action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the facility.

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Section 270.1600 Adverse Licensure Action

a) BEFORE DENYING A LICENSE APPLICATION, REFUSING TO RENEW A LICENSE, SUSPENDING A LICENSE, REVOKING A LICENSE, OR assessing an administrative fine, THE DEPARTMENT SHALL NOTIFY THE APPLICANT OR THE LICENSEE IN WRITING. THE NOTICE SHALL SPECIFY THE CHARGES OR REASONS FOR THE DEPARTMENT'S CONTEMPLATED ACTION, and shall provide an opportunity to file a request for a hearing WITHIN 10 DAYS AFTER RECEIVING THE NOTICE. (Section 50 of the Act)

1) A FAILURE TO REQUEST A HEARING WITHIN 10 DAYS SHALL CONSTITUTE A WAIVER OF THE APPLICANT'S OR LICENSEE'S RIGHT TO A HEARING. (Section 50 of the Act)

2) THE HEARING SHALL BE CONDUCTED BY THE DIRECTOR OR AN INDIVIDUAL DESIGNATED IN WRITING BY THE DIRECTOR AS AN Administrative Law Judge, and shall be conducted in conformance with the Department's Rules of Practice and Procedure in Administrative Hearings and Section 65 of the Act. (Section 55 of the Act)

b) A license MAY BE DENIED, SUSPENDED, REVOKED, THE RENEWAL OF THE LICENSE MAY BE DENIED OR administrative fine assessed, FOR ANY OF THE FOLLOWING REASONS:

1) VIOLATION OF ANY PROVISION OF THE ACT or this Part.

2) CONVICTION OF THE OWNER OR OPERATOR OF THE subacute care hospital model OF A FELONY OR OF ANY OTHER CRIME UNDER THE LAWS OF ANY STATE OR OF THE UNITED STATES ARISING OUT OF OR IN CONNECTION WITH THE OPERATION OF A HEALTH CARE FACILITY. THE RECORD OF CONVICTION OR A CERTIFIED COPY OF IT SHALL BE CONCLUSIVE EVIDENCE OF CONVICTION.

3) AN ENCUMBRANCE ON A HEALTH CARE LICENSE ISSUED IN ILLINOIS OR ANY OTHER STATE TO THE OWNER OR OPERATOR OF THE subacute care hospital model.

4) REVOCATION OF ANY FACILITY LICENSE ISSUED BY THE DEPARTMENT DURING THE PREVIOUS FIVE YEARS OR SURRENDER OR EXPIRATION OF THE LICENSE DURING THE PENDENCY OF ACTION BY THE DEPARTMENT TO REVOKE OR SUSPEND THE LICENSE DURING THE PREVIOUS FIVE YEARS, IF THE PRIOR LICENSE WAS ISSUED TO THE INDIVIDUAL APPLICANT OR A CONTROLLING OWNER OR CONTROLLING COMBINATION OF OWNERS OF THE APPLICANT OR

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ANY AFFILIATE OF THE INDIVIDUAL APPLICANT OR CONTROLLING OWNER OF THE APPLICANT OR AFFILIATE OF THE APPLICANT WAS A CONTROLLING OWNER OF THE PRIOR LICENSE. (Section 45 of the Act)

c) An action to assess an administrative fine may be initiated in conjunction with or in lieu of other adverse licensure action.

d) The amount of an administrative fine shall be determined based on consideration of the following:

1) The nature and severity of the violation(s),

2) The facility's diligence in correcting the violation(s),

3) Whether the facility had been previously cited for similar violation(s),

4) The number of violations,

5) The duration of uncorrected violation(s), and

6) The impact or potential impact of the violation(s) on patient health and safety.

e) The administrative fine shall be calculated in relation to the number of days the violation existed, or continues to exist if it has not been corrected. The total amount of the fine assessed shall fall within the following parameters:

1) For a violation that occurred as a single event or incident—between \$100 and \$5,000 per violation,

2) For a violation that was or is continuing beyond a single event or incident—between \$100 and \$500 per day per violation.

Section 270.1700 Admission Practices

a) The facility shall establish admission criteria that provide for:

1) The admission of patients with an expected stay of at least 10 days;

2) The admission of patients who can be served by the facility; and

3) The nondiscrimination of patients based on disability, race, religion, sex, payment methods, and any other basis recognized by applicable State and Federal laws.

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- b) The facility shall have a preadmission screening process to assure that the admission criteria are met. Discharge planning shall be included in the preadmission screening.
- c) At the time each patient is admitted, the licensee must assure that the facility has conducted a nursing assessment and has appropriate physician orders for the patient's immediate care needs, which shall include at a minimum dietary, drugs (if necessary) and routine care to maintain or improve the patient's functional abilities and staff can conduct a comprehensive patient assessment and develop a comprehensive care plan.

Section 270.1800 Patient Assessment

- a) The licensee shall establish a comprehensive, accurate, standardized, reproducible assessment of each patient's functional ability, strengths and weaknesses. The Minimum Data Set/Patient Assessment Instrument defined by Title XVIII and XIX of the Social Security Act (43 CFR 483.20) meets this Part.
- b) This assessment shall coordinate with any preadmission screenings to the maximum extent practicable to avoid duplicative testing.
- c) The licensee shall establish which health care professionals are to participate in the assessment. This shall include at least the following:

- 1) Registered Nurse,
- 2) Physician,
- 3) Dietitian, and
- 4) Social Worker.

- d) The assessment of each patient shall be completed, in accordance with facility policy, within 10 days of admission and promptly after a significant change in the patient's physical or mental condition.

Section 270.1900 Comprehensive Care Plan

- a) The results of the assessment shall be used to develop a comprehensive care plan within seven days of completing the patient assessment for each patient, which includes measurable objectives and timeliness to meet a patient's medical, nursing, mental and psychosocial needs that were identified in the assessment. The comprehensive care plan shall include a discharge plan.
- b) The licensee shall establish a policy that defines the members of the interdisciplinary team who will develop and periodically review the comprehensive care plan. Team members

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shall include at least the following:

- 1) Patient,
 - 2) Patient's family or the patient's representative, if they choose to participate,
 - 3) Registered nurse, and
 - 4) Physician.
- c) The comprehensive care plan shall be implemented.
- d) The facility shall develop a comprehensive care plan evaluation component to measure a patient's progress and the need for revised objectives.
- e) The comprehensive care plan shall be reviewed and revised as frequently as needed by the interdisciplinary team. A full care plan conference shall be held by the interdisciplinary team at least every 14 days.

Section 270.2000 Patient's Rights

- a) A patient shall not be deprived of any rights, benefits, or privileges guaranteed by law based solely on his/her status as a patient of the facility.
- b) A patient shall be permitted to retain and use or wear his/her personal property in his/her immediate living quarters unless deemed medically inappropriate or socially disruptive by a physician and so documented in the patient's record.
- c) The facility shall provide a means of safeguarding small items of value for the patients in their rooms or in any other part of the facility, so long as the patient has daily access to such valuables.
- d) The facility shall make reasonable efforts to prevent loss and theft of patients' property. The facility shall develop procedures for investigating complaints concerning theft of patient's property and shall promptly investigate all such complaints.
- e) Children under 16 years of age who are related to employees or volunteers of a facility, and who are not themselves employees/volunteers of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity.
- f) A patient shall be permitted the free exercise of religion. Upon a patient's request, and if necessary at his/her expense, the facility management shall make arrangements for a patient's attendance at religious services of the patient's choice. However, no religious

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beliefs or practices, or attendance at religious services may be imposed upon any patient.

g) The facility shall encourage and not prohibit a patient's right to vote in person or by absentee ballot in all elections.

h) The facility shall notify the patient's representative whenever the patient suffers from a sudden illness or accident, or if and when unexplained absences occur.

i) A patient may not be transferred, discharged, evicted, harassed, dismissed or retaliated against for filing a complaint or providing information concerning a complaint against the facility.

j) A patient shall be permitted to retain the services of his/her own personal physician at his/her own expense under an individual or group plan of health insurance, or under any public or private assistance program providing such coverage.

k) All patients shall be permitted to obtain from their own physician or the physician retained by the facility complete and current information concerning his/her medical diagnosis, treatment and prognosis in terms and language the patient can reasonably be expected to understand.

l) No patient shall be subjected to experimental research or treatment without first obtaining his/her informed, written consent. The experimental research/treatment shall be part of the patient's comprehensive care plan.

m) Every patient shall be permitted to refuse medical treatment and to know the consequences of such action.

n) Every patient or patient's representative shall be permitted to inspect and copy all of the patient's clinical and other records concerning the patient's care and maintenance kept by the facility or by the patient's physician.

o) All patients shall be permitted respect and privacy in their medical and personal care program. Every patient's case discussion, consultation, examination and treatment shall be confidential and shall be conducted discreetly. Those persons not directly involved in the patient's care must have the patient's permission to be present.

p) Neither physical restraints nor confinements shall be employed for the purpose of punishment or for the convenience of any facility personnel or volunteer. No physical restraints or confinements shall be employed except as ordered by a physician who documents the need for such restraints or confinements in the patient's comprehensive care plan and medical plan of care.

q) Restraints shall be used only upon written order of the attending physician and for the

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safety and security of the patients.

r) The reasons for ordering and using restraints shall be recorded in the patient's comprehensive care plan and medical plan of care. The recordings shall contain ongoing evaluations of the need for the restraints and the measures being taken to reduce or eliminate the need for the use of restraints.

s) No patient shall be restrained, confined, or subjected to adverse stimuli for the purpose of behavior modification unless and until the informed consent of the patient or patient representative has been obtained.

t) Restraints and confinements may be employed only when necessary to prevent a patient from injuring himself/herself or others. The physicians' written authorization shall specify the precise time periods and conditions in which any restraints or confinements shall be employed.

u) No chemical, medication or tranquilizer shall be employed by a facility as a restraint or confinement in lieu of or in addition to any physical restraint or confinement. Such chemicals, medications or tranquilizers may only be employed as part of a duly prescribed therapeutic medical treatment program authorized by the patient's physician and documented in the patient's comprehensive care plan and medical plan of care.

v) Every patient shall be permitted unimpeded, private and uncensored communication of his/her choice by mail and public telephone. The facility shall ensure that correspondence is promptly received and mailed, and that telephones are reasonably accessible.

w) The facility management shall ensure that patients may have private visits at any reasonable hour unless such visits are not medically advisable for the patient as documented in the patient's comprehensive care plan by the patient's physician. The facility shall allow daily visiting. Visiting hours shall be posted in plain view of visitors. The facility management shall ensure that space for visits is available and that facility personnel knock, except in an emergency, before entering any patient's room.

x) Any employee or agent of a public agency, any representative of a community legal services program or any member of a community organization shall be permitted access at reasonable hours to any individual patient or any facility, if the purpose of such agency, program or organization includes rendering assistance to patients without charge, but only if there is neither a commercial purpose nor effect to such access and if the purpose is to do any of the following:

1) Visit, talk with and make personal, social, and legal services available to all patients;

2) Inform patients of their rights and entitlements and their corresponding

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obligations, under federal and state laws, by means of educational materials and discussions in groups and with individual patients;

3) Assist patients in asserting their legal rights regarding claims for public assistance, medical assistance and social security benefits, as well as in all other matters in which patients are aggrieved. Assistance may include counseling and litigation; or

4) Engage in other methods of asserting, advising and representing patients so as to extend to them full enjoyment of their rights.

y) No visitor shall enter the immediate living area of any patient without first identifying himself/herself and then receiving permission from the patient to enter. The rights of other patients present in the room shall be respected. A patient may terminate at any time a visit by a person having access to the patient's living area. Facility staff may terminate visits or provide other accommodations for the visit if they are so requested by the patient, or the visitor is involved in behavior violating other patients' rights.

z) A patient shall be permitted to manage his/her own financial affairs. A facility shall not manage patient funds unless the facility is in compliance with Section 300.3260 of the Skilled Nursing and Intermediate Care Facilities Code.

aa) A patient shall be voluntarily discharged from a facility after he/she gives facility management, a physician, or a nurse of the facility written notice of the desire to be discharged. A patient shall be discharged upon written consent of his/her representative unless there is a court order to the contrary. In such cases, upon the patient's discharge, the facility is relieved of any responsibility for the patient's care, safety or well-being.

bb) The facility shall establish involuntary discharge procedures in accordance with subsection (cc) of this Section, which shall include at least the following:

- 1) Patient behavior that may result in involuntary discharge;
- 2) Patient decline or improvement in medical condition that may result in involuntary discharge;
- 3) Patient counseling that may be provided to avoid involuntary discharge;
- 4) Patient notification and due process concerning involuntary discharge;
- 5) Timeframes between counseling, notice, and involuntary discharge.

cc) A facility may involuntarily transfer or discharge a patient only for one or more of the following reasons:

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- 1) the patient's medical condition;
 - 2) the patient's physical safety;
 - 3) the patient's action, or inaction, which directly impinges on the physical safety of other patients, the facility staff or facility visitors;
- dd) A licensee, facility manager, employee, volunteer or agent of a facility shall not abuse or neglect a patient.

ee) A facility employee, agent or volunteer who becomes aware of abuse or neglect of a patient shall immediately report the matter to the facility administrator or designee.

ff) Upon becoming aware of abuse or neglect, the facility administrator or designee shall immediately report the matter by telephone and in writing to the patient's representative and the Department.

Section 270.2100 Patient Care Services

a) The licensee shall provide PHYSICIAN SUPERVISION ON A CONTINUAL BASIS. (Section 35 of the Act)

1) There shall be frequent, consistent contact between physicians and the patient and between physicians and other facility personnel, to provide medical direction for the comprehensive care plan;

2) There shall be one or more direct physician to patient contact per week;

3) Other contacts may be made through a combination of visits and status reports by other personnel caring for the patient.

b) The licensee shall provide REGISTERED NURSING ON A CONTINUAL BASIS through the onsite availability of registered nurses for hands-on care 24 hours per day. (Section 35 of the Act)

c) The licensee shall provide PHYSIOLOGICAL MONITORING ON A CONTINUAL BASIS, as necessary to meet the needs of each patient, such as continual electronic monitoring of breathing, cardiovascular functioning or biochemical functioning. (Section 35 of the Act)

d) The licensee shall provide 24-hour-per-day access to diagnostic support services consistent with the patient's comprehensive care plan.

e) The licensee shall provide adequate auxiliary and support services to meet each patient's

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comprehensive care plan.

- d) The licensee shall provide other services as necessary to implement and support the patient's comprehensive care plan and overall needs, including provisions for:

- 1) Case management;
- 2) Fostering maximum patient independence;
- 3) Protection of patient rights, privacy and dignity;
- 4) Assisting the patient and patient's representative in understanding and adjusting to the patient's current condition, prognosis and future needs; and
- 5) Discharge planning.

- g) A Subacute Care Hospital Model licensee that is not licensed under the Hospital Licensing Act as a general acute care hospital SHALL HAVE A TRANSFER AGREEMENT WITH AT LEAST ONE GENERAL ACUTE CARE HOSPITAL IN ORDER TO HANDLE CASES OF COMPLICATIONS, EMERGENCIES OR EXIGENT CIRCUMSTANCES. (Section 35 of the Act)

- h) A licensee SHALL develop a policy TO THE EXTENT POSSIBLE, TO LINK AND INTEGRATE ITS SERVICES WITH NEARBY HEALTH CARE FACILITIES to meet the needs of the patients. (Section 30(e) of the Act)

Section 270.2200 Personnel

- a) The licensee shall provide adequate, properly trained and supervised staff to meet each patient's comprehensive care plan. Services shall be provided by a coordinated interdisciplinary team.

- b) The licensee shall define, through job descriptions, minimum education and experience, requirements for all staff, consultants and contract staff providing services to the subacute care hospital model.

- c) The licensee shall provide routine, pertinent training to all staff. This training may include return demonstration, one-on-one training, small group exercises or lecture. All training shall be documented with:

- 1) date;
- 2) starting and ending time;

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- 3) instructor(s);
- 4) short description of content;
- 5) participants' written and printed signatures.

Section 270.2300 Quality Assessment and Improvement

- a) The licensee shall develop and implement a quality assessment and improvement program designed to meet at least the following goals:

- 1) Ongoing monitoring and evaluation of the quality and accessibility of care and services provided at the facility or under contract, including but not limited to:
 - A) admission of patients appropriate to the capabilities of the facility,
 - B) patient assessment,
 - C) development and implementation of appropriate comprehensive care plans,
 - D) patient satisfaction,
 - E) costs for delivery of services, and
 - F) infection control.
- 2) Identification and analysis of problems.
- 3) Identification and implementation of corrective action or changes in response to problems.

- b) The program shall operate pursuant to a written plan, which shall include, but not be limited to:

- 1) A detailed statement of its goals;
- 2) The methodology and criteria that will be used to meet each stated goal;
- 3) The action plans for addressing problems;
- 4) Procedures for evaluating the effectiveness of action plans and revising action plans to prevent recurrence of problems;

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- 5) Procedures for documenting the activities of the program; and
- 6) Identifying the persons responsible for administering the program.
- c) The licensure shall afford the Department and the Board access to any materials or documents generated pursuant to the facility's quality assessment and improvement program or that otherwise relate to patient demand, utilization and satisfaction; healthcare costs; healthcare cost effectiveness; financial viability of the facility; and access to healthcare services. Such information shall be used by the Department and the Board to evaluate and assess the facility in relation to the Demonstration Program, and shall be afforded the same confidential status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, pars 1-101 et seq.) [735 ILCS 5/1-101 et seq.].

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SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: the Illinois Library System Act
- 2) Code Citation: 23 Ill. Adm. Code 3030
- 3) Section Numbers: 3030.10
3030.105
Proposed Action:
Amendment
Amendment
- 4) Statutory Authority: Implementing authorized by the Illinois Library System Act (Ill. Rev. Stat. 1991, ch. 81, pars. 111 et seq.) {75 ILCS 107/1.1 et seq.}
- 5) A Complete Description of the Subjects and Issues Involved: A definition for "should" has been added as per the agreement with JCAR for inclusion with the next amendments to these rules; clarification was requested as per its use in Section 3030.50, Service Standards, pertaining to library systems. Amendment changes the application date for public library equalization grants and per capita grants from October 15 of each year to July 15 of each year.
- 6) Will this proposed rule replace an emergency rule currently in effect? Yes
x No
- 7) Does this rulemaking contain an automatic repeal date? Yes
x No
- 8) Does this amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This amendment will ensure a more expedient dispersal of public funds to public libraries from the State Library. Public libraries will receive funds in a more timely manner and will enable them to meet their patrons' needs more quickly.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments and questions should be addressed to:
- Kathleen L. Bloomberg
Associate Director, Library Development Group
Illinois State Library
300 South Second Street
Springfield, Illinois 62701
(217) 785-0052

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- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment appearing in this issue of the Illinois Register on page _____.

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENT

- | | |
|---|--|
| 1) Heading of the Part: | Functions and Planning Program |
| 2) Code Citation: | 23 Ill. Adm. Code 2310 |
| 3) Section Number(s): | Adopted Action: |
| 2310.80 | Amendment |
| 4) Statutory Authority: | Implementing Section 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act (Ill. Rev. Stat. 1997 1991, ch. 144, pars. 1305.01, 1305.07 and 1305.13, as amended) [110 ILCS 1015/5.01, 1015/5.07 and 1015/5.13]. |
| 5) Effective Date of Amendment: | July 1, 1993. |
| 6) Does this rulemaking contain an automatic repeal date? | No. |
| 7) Does this amendment contain incorporations by reference? | No. |
| 8) Date filed in Authority's principal office: | January 14, 1993. |
| 9) Notice of Proposal Published in Illinois Register: | February 16, 1993, 17 Ill. Reg. 1691 |
| 10) Has JCAR issued a Statement of Objections to these rules? | No. On May 11, 1993, JCAR issued a Certification of No Objection to Proposed Rulemaking. |
| 11) Differences between proposal and final version: | None. |
| 12) Have all the changes agreed upon by the Authority and JCAR been made as indicated in the agreement letter issued by JCAR? | No. On May 11, 1993, JCAR issued a Certification of No Objection to Proposed Rulemaking, thus, JCAR did not issue an agreement letter because no changes were necessary. |
| 13) Will this amendment replace an emergency currently in effect? | No. |
| 14) Are there any other amendments pending on this part? | No. |

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of amendment:

A Complete Description of the Subjects and Issues Involved Section 2310.80 is being amended to clarify the nature of the fees charged by the Authority and to raise the Annual Fee which the Authority charges to institutions which have outstanding financing through the Authority. The increase in the Annual Fee is required to enable the Authority to meet its operating expenses.

16) Information and questions regarding this adopted amendment shall be directed to:

Thomas P. Conley
Executive Director
Illinois Educational Facilities Authority
333 West Wacker Drive
Suite 2600
Chicago IL 60606
(312) 781-6633

The full text of the adopted amendment is as follows:

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATIONAL AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION

CHAPTER XIV: ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

PART 2310
FUNCTIONS AND PLANNING PROGRAMSection
2310.5
2310.10
2310.20
2310.30
2310.40
2310.50
2310.60
2310.70
2310.80
2310.90
EXHIBIT A

Introduction
Who May Apply for Financing
Types of Educational and Cultural Facilities that can be Financed
Types of Costs that can be Financed: Outstanding Debt
Interest Rate on the Authority's Bonds
Method of Financing
Length of Bond Issue
Type of Bond Issue
Fees
Authority Bond Issues and Bond Ratings (Repealed)
Estimated Fee Schedule as Special Bond Counsel
With Respect to Bonds Issued by Illinois
Educational Facilities Authority (Repealed)

AUTHORITY: Implementing Sections 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act (Ill. Rev. Stat. Ch. 144, pars. 1305.01, 1305.07 and 1305.13, as amended) [10 ILCS 1015/5.01, 1015/5.07 and 1015/5.13].

Source: Filed December 23, 1977; amended at 4 Ill. Reg. 29, p.270 effective July 2, 1980; amended at 6 Ill. Reg. 7414, effective July 1, 1982; codified at 7 Ill. Reg. 16396; amended at 8 Ill. Reg. 5192, effective April 6, 1984; amended at 8 Ill. Reg. 8444, effective June 5, 1984; amended at 10 Ill. Reg. 13689 effective June 30, 1986; amended at 11 Ill. Reg. 9106, effective April 28, 1987; amended at 11 Ill. Reg. 10600, effective May 26, 1987; amended at 11 Ill. Reg. 7898, effective May 15, 1989; amended at 17 Ill. Reg. 3680, effective July 1, 1993.

Section 2310.80 Fees

- a) The Authority charges the following fees:
- 1) Application Fee - for processing an Application for Assistance - submitted with application and not refundable.
 - A) \$250.00 on issues up to but not including \$1,000,000 principal amount;

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- B) \$500.00 on issues of \$1,000,000 up to but not including \$5,000,000 ~~on~~ principal amount; and
C) \$1,000.00 on issues of \$5,000,000 principal amount and over.

AGENCY NOTE: This fee will be credited to the Administrative Charge upon approval of the application completion of the related bond financing.

- 2) Administrative Charge - for completing a bond financing - 1/4 of 1% of the principal amount of bonds issued or \$10,000 whichever is less - payable following the bond closing.

AGENCY NOTE: The Administrative Charge includes the Annual Fee for the year following the issuance of the bonds.

- 3) Annual Fee - for servicing a bond financing for one year - commencing for annual fees coming due on or after July 1, 1989 1993, the Annual Fee shall be ~~1/100th~~ 2/100 of 1% of the original amount of the bond issue - payable in advance and not refundable.

- b) These fees are designed to cover the operating expenses of the Authority. In addition, the participating institutions will be expected to bear all other costs of the financing, including trustee's fees, printing expenses, the financial advisor's fee, and the fee and disbursements of bond counsel. These fees may be financed with bond proceeds.

(Source: Amended at 17 Ill. Reg. 9680, effective July 1, 1993)

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- 1) Heading of Part: Public Participation in the Air Pollution Control Permit Program

- 2) Code Citation: 35 Ill. Adm. Code 252

- 3) Section Numbers: Adopted Action:

252.101 Amend
252.102 Amend
252.103 Amend
252.104 Amend
252.105 Amend
252.201 Amend
252.202 Amend
252.203 Amend
252.204 Amend
252.205 Amend
252.206 Amend
252.301 Amend
252.401 Amend

- 4) Statutory Authority: Environmental Protection Act, Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1004(b) and 1039.5, subsection 8.

- 5) Effective Date of Rule: June 10, 1993

- 6) Does this rulemaking contain an automatic reveal date? Yes ☒ No ☐

If "yes," please specify the date: _____

- 7) Does this rule contain incorporations by reference?

Yes ☒ No ☐

- 8) The date the adopted rule was filed in the Agency's Principal Office: June 9, 1993

- 9) Notice of Purpose Published in the Illinois Register: December 4, 1992, 16 Ill. Reg. 18139.

- 10) Has JCAR issued a Statement of Objections to this rule? No.

- 11) Difference(s) between the proposal and the final version:

In Sections 252.101, 252.102, 252.103, 252.104, 252.201(b), 252.201(c).

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These rules are adopted to satisfy 40 CFR 51.18(h)-(1983) and 35-111-Adm-Code-203-150 which require a period of public review for permits for construction or modification of certain emission sources.²

- a) Specify public participation procedures which must accompany the processing of permit applications for certain sources of air pollution by the Illinois Environmental Protection Agency (Agency); and
- b) Provide the public with an opportunity to comment on proposed permits for certain sources of air pollution that are of public interest.

(Source: Amended at 17 Ill. Reg. 9684, effective June 10, 1993.)

Section 252.102 Applicability

- a) These rules apply to all permit applications filed with the Illinois Environmental Protection Agency (Agency) for sources subject to 35-111-Adm-Code-203; "Major Stationary Sources Construction and Modification." These rules apply to permit applications filed with the Agency for:

- 1) Permits pursuant to Major Stationary Sources Construction and Modification, the New Source Review (NSR) rules, 35-111-Adm-Code-203, for major new sources and major modifications;
- 2) Permits pursuant to the Federal Rules for Prevention of Significant Deterioration of Air Quality (PSD), 40 CFR 52.21, for construction of major new sources and major modifications;
- 3) Permits for the construction of sources or modifications which would constitute major new sources or major modifications, subject to public notice pursuant to subsection (a)(1) or (2) above, if they were not accompanied by contemporaneous emissions decreases or if federally enforceable significant restrictions were not placed on the source or modification;
- 4) Permits for the use of Alternative Control Strategies (ACS) pursuant to 35-111-Adm-Code-202;
- 5) Permits to operate sources pursuant to Section 39.5 of the Environmental Protection Act (Act) (the Clean Air Act Permit Program (CAAPP)) and significant modifications of any permit issued thereunder;
- 6) Permits to operate sources which contain federally enforceable conditions including permits which exclude sources from the applicability of the permitting requirements described in subsections (a)(1), (a)(2), or (a)(5) above;

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- 7) Permits for the construction of emission units of public interest at a source, the criteria for which are outlined in subsection (b) below; and
- 8) Revisions to permits described in subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5) and (a)(6) above as specified by applicable regulations. This Part shall apply to all revisions which revise any standard established on a case-by-case basis; alter conditions imposed to meet requirements for emissions offsets; or relax testing, monitoring, recordkeeping, or reporting requirements.

- b) The Director shall determine whether an emission unit is of public interest. In making the decision, the Director shall consider:

- 1) The type of permit for which the application is made;
- 2) The nature and amount of pollutants which will be emitted by the source;
- 3) Possible effects of the emissions on health and the environment;
- 4) The location of the source;
- 5) The interest in the source exhibited by the public, based on comments and inquiries received by the Agency;
- 6) Other factors which are distinctive to the source; and
- 7) The proposed action by the Agency.

(Source: Amended at 17 Ill. Reg. 9684, effective June 10, 1993.)

Section 252.103 Definitions Application for a Prevention of Significant Deterioration Permit

Terms in these rules have the same meaning as defined in Section 3 of the Environmental Protection Act (117-Rev.-Stat.-1983; ch. 117-1/2; Par. 1002) and the Pollution Control Board Rules and Regulations on Air Pollution, 35-111-Adm-Code--Subtitle-B, Chapter-1.

- a) Applicable procedures of the Consolidated Permit Regulations, 40 CFR 124, shall be followed for the issuance of permits pursuant to the Federal PSD rules for new major stationary sources and major modifications.
- b) Applicable procedures of this Part shall also be followed for issuance of such permits.

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c) The following shall apply regarding denials of PSD permit applications.

- i) The procedures of this Part shall also apply if the Agency proposes to deny an application for a PSD permit if the reasons for denial are those for which the Administrator of the United States Environmental Protection Agency (USEPA) would be necessary. Such reasons may relate to requirements of the PSD rules which have been subject to interpretation by USEPA, including but not limited to the methodology for performing air quality analyses, the need for gathering site-specific ambient air quality data, the procedures for evaluating best available control technology (BACT), and the criteria used to establish BACT.

- 2) For those PSD permits for which public comment is required for a proposed denial of a permit pursuant to subsection (i) above, the following shall apply.

- i) Where the procedures of this Part refer to a draft permit, they shall also apply to a draft permit denial letter and
- ii) Where the procedures of this Part refer to a notice of intent to issue, they shall also apply to a notice of intent to deny.

- 3) Following a public comment period on the proposed denial of the permit, if the Agency determines that a permit should be issued, a public comment period shall be held on the proposed issuance of the permit.

(Source: Section repealed, new Section added at 17 Ill. Reg. 9684, effective June 10, 1993.)

Section 252.104 Definitions

Terms in these rules have the same meaning as defined in Section 3 of the Act and the Pollution Control Board Rules and Regulations on Air Pollution, 35 Ill. Adm. Code, Subtitle B, Chapter I, as appropriate to the subject matter of the permit.

(Source: Added at 17 Ill. Reg. 9684, effective June 10, 1993.)

Section 252.105 Consolidation

The Agency may consolidate the public participation activities for two or more permits subject to these rules when the operations to be permitted are similar, related, or in close geographical proximity, where practicable.

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(Source: Added at 17 Ill. Reg. 9684, effective June 10, 1993.)

SUBPART B: PROCEDURES FOR PUBLIC REVIEW

Section 252.201 Notice and Opportunity to Comment

- a) The Agency shall issue a notice of its intent to grant or deny a permit subject to these rules for the issuance of any permit described in Section 252.102 of this Part and renewal of any operating permit described in Section 252.102 of this Part, and permit actions described in Section 252.103 of this Part.

- b) The notice shall be sent to:

- 1) The public, at least one time, by display advertisement in a general circulation newspaper of general circulation in the area of the source where the source is located;
- 2) The Administrator of the U.S. Environmental Protection Agency (USEPA) by notifying the USEPA Region 5 office; local government air pollution control offices within Illinois that are in the area affected by the source;
- 3) Local government air pollution control offices in the area affected by the source; the chief executives of the municipality and county in which the source is to be located, including the mayor or president, clerk, county board chairman, county clerk, and state's attorney;
- 4) The chief executives of the municipality and county in which the source is to be located; Members of the General Assembly from the legislative district in which the source is located;
- 5) Members of the General Assembly from the legislative district in which the source is to be located; Any state whose air quality may be affected and which is contiguous to Illinois or which is within 50 miles of the source;
- 6) In the case of a source whose emissions may affect an adjacent state, the bordering state or local air pollution control agency; Other officials and agencies identified in 40 CFR 51.24(c)(iv) (1983) for PSD sources only;
- 7) The permit applicant; and
- 8) Persons on the public participation mailing list for the air pollution control permit program.

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the notice shall include:

- 1) The name and address of the applicant and the source;
- 2) The location of the project; source if different from the applicant's address;
- 3) The activity or activities involved in the permit action;
- 4) For a proposed significant modification, a description of the change in the amount or character of the emissions which may result from the modification;
- 35) The preliminary decision of the Agency to grant or deny the permit;
- 45) The location of the documents available for public review; For the issuance of a PSD permit, the degree of ambient air increment consumed by the project;
- 57) A request for comments on the Agency's draft permit or proposed denial; The location of the documents available for public review;
- 68) The date by which comments must be postmarked; and A request for written comments on the Agency's draft proposed permit;
- 79) Instructions on how to request a public hearing: The date by which comments must be postmarked;
- 10) Instructions on how to request a public hearing if a decision to hold a hearing has not already been made pursuant to Section 252.203(a) or (b); and
- 11) The name, address, and telephone number of the Agency contact person from whom the public may obtain additional information.
(Agency Note: Material properly claimed as trade secret or confidential pursuant to Sections 7 and 7.1 of the Act and 211-Adm. Code Part 287 will not be subject to public disclosure under this Part. An applicant claiming a trade secret shall provide, in addition to the complete application, a copy of the application for public notice in which the material claimed as trade secret has been deleted.)
- d) The notice to the permit applicant shall also include the draft permit and fact sheet or statement of basis required by Section 252.203 of this Part.

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- 1) The draft permit or denial letter and summary required by Section 252.202 and
- 2) Notice of an opportunity for hearing on Agency determinations of Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) pursuant to Section 39(f) of the Environmental Protection Act (111-Rev. Stat. 1983, ch. 111-1/2, par. 1039(f)).
- e) The notice shall provide for a 4530-day public comment period. The Agency may extend the comment period on written request if any applicable statutory period for the Agency decision, as prescribed in Section 39 of the Act, allows for an extension.

(Source: Amended at 17 Ill. Reg. 9684, effective June 10, 1993)

Section 252.202 Draft Permit and Denial Letter

- a) If the Agency proposes to issue the permit, the Agency shall prepare for public review a draft permit with findings and proposed conditions.
- b) If the Agency proposes to deny the permit, the Agency shall prepare a draft denial letter which states the Agency's findings as related to its basis for denial.
- c) The Agency shall prepare a summary of its review of the application to accompany the draft permit or denial letter. The summary shall describe the basis of the Agency's decision to grant or deny the permit including an analysis of the project's effect on ambient air quality.

(Source: Amended at 17 Ill. Reg. 9684, effective June 10, 1993)

Section 252.203 Availability of Documents Fact Sheet and Statement of Basis

- a) The following documents shall be made available for public inspection during the 30-day public comment period prior to the Agency's final action on a permit application:
 - 1) A copy of the permit application;
 - 2) The Agency draft permit or proposed denial letter;
 - 3) The Agency summary; and
 - 4) The public notice.
- b) Copies of the documents shall be placed in:

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- 1) The Agency Library, 2200 Church Hill Road, Springfield;
- 2) The Division of Air Pollution Control regional or district office closest to the location of the proposed source; and
- 3) A library or other facility to which the public has access in the county where the source is to be located.
- c) All other documents associated with the permit application shall be available in accordance with procedures of the Agency and of the Pollution Control Board. (35 Ill. Adm. Code 120) adopted pursuant to Sections 7 and 7.1 of the Act. (Ill. Rev. Stat., 1983, ch. 111-1/2, pars. 1007 and 1007.1).
- d) A summary of comments received by the Agency and a copy of the Agency's final decision will be placed in the locations listed in Section 252.203(b).
- a) The Agency shall prepare a fact sheet to accompany the draft permit for a major new source, major existing source, or major modification. The fact sheet shall describe the basis of the Agency's decision to grant the permit including an explanation of the source's effect on ambient air quality.
- b) The Agency shall prepare a statement of basis for every draft permit for which a fact sheet is not prepared.

(Source: Section repealed, new Section added at 17 Ill. Reg. 9684, effective June 10, 1993.)

Section 252.204 Opportunity for Public Hearing/Availability of Documents

- a) A public hearing shall be held on any permit application subject to these rules if the Agency receives a written request for a hearing from:
 - 1) Twenty-five persons either individually or in a petition;
 - 2) A member of the General Assembly representing the district in which the source is to be located;
 - 3) A chief executive officer from a county or municipality in which the source is to be located; or
 - 4) The applicant.
- b) The Director or designee shall order that a hearing be held on a permit application subject to these rules when the Agency has determined that a hearing would serve the interests of the public or

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- of the Agency, in making this determination, the Agency will consider:
 - 1) The level of public interest as indicated by the inquiries and comments received by the Agency on the proposed permits; and
 - 2) The opportunity to increase public understanding of the project and of the Agency's proposed decision by means of public hearing.
 - c) Except for hearings requested by the applicant on the Agency's determination of BACT or LAER, the hearings shall be conducted in accordance with the Agency's Procedures for Permit Hearings. (35 Ill. Adm. Code 166).
 - d) Hearings requested by the applicant on the Agency's determination of BACT or LAER shall be conducted in accordance with the Agency's Rules of Practice and Procedure for Contested Case Hearings. (35 Ill. Adm. Code 168).
 - e) Hearings requested by both the applicant and the public, on a permit which includes a determination of BACT or LAER by the Agency, shall be conducted in accordance with 35 Ill. Adm. Code 168.
 - a) Copies of the following documents shall be made available for public inspection during the public comment period:
 - 1) The public notice;
 - 2) The fact sheet or statement of basis;
 - 3) The draft permit;
 - 4) The permit application, including any compliance plans.
 - b) Copies of the documents shall be placed in:
 - 1) The Division of Air Pollution Control's offices at 1340 North Ninth Street, Springfield, Illinois 62794; and
 - 2) The Division of Air Pollution Control's regional or district office closest to the location of the source.
 - c) All documents listed in subsection (a) above shall be available in accordance with procedures of the Agency and of the Pollution Control Board adopted pursuant to 35 Ill. Adm. Code 120, and Sections 7 and 7.1 of the Act.

(Source: Section repealed, new Section added at 17 Ill. Reg. 9684, effective June 10, 1993.)

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Section 252.205 Opportunity for Public Hearing

- a) A public hearing shall be held on any action subject to these rules where applicable law or rule provides the applicant opportunity for hearing and the applicant makes a written request for a hearing.
- b) The Director or his/her designee shall order that a hearing be held on a permit application subject to these rules when the Agency has determined that a hearing would serve the interests of the public or of the Agency. In making this determination, the Agency shall consider:

- 1) The level of public interest as indicated by the inquiries and comments received by the Agency on the draft permit;
- 2) The opportunity to increase public understanding of the project and of the Agency's proposed decision by means of public hearing;
- 3) Receipt by the Agency of a written request for a hearing citing material issues with respect to the terms and conditions of the draft permit from:
 - A) A significant number of persons, to be determined by the Director, either individually or in a petition;
 - B) A member of the General Assembly representing the district in which the source is located; or
 - C) A chief executive officer from a county or municipality in which the source is located as described in Section 252.201(b)(3) of this Part.

(Source: Added at 17 Ill. Reg. 9684, effective June 10, 1993.)

Section 252.206 Procedures for Public Hearings

- a) Except as provided in subsection (b) below, hearings shall be conducted in accordance with the Agency's "Procedures for Permit and Closure Plan Hearings" (35 Ill. Adm. Code 166: Subpart A, Informational Permit and Closure Plan Hearings).
- b) The following types of hearings shall be conducted in accordance with the Agency's "Procedures for Permit and Closure Plan Hearings" (35 Ill. Adm. Code 166: Subpart B, Contested Case Permit Hearings):
- 1) Hearings requested by the applicant pursuant to Section 39(f)(3) of the Act on a proposed action which includes the Agency's determination with respect to BACI or LAER;

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Section 39.1(d) of the Act.

- 2) Hearings requested by the ACS permit applicant pursuant to Section 39.1(d) of the Act.
- c) Notwithstanding subsection (b) above, persons requesting hearings subject to the Contested Case Permit Hearings (35 Ill. Adm. Code 166: Subpart B) may waive their rights to the procedures of the Contested Case Permit Hearings by notifying the hearing officer to that effect. Where persons waive their rights to Contested Case Permit Hearings, such hearings shall be held in accordance with the procedures of Informational Permit and Closure Plan Hearings (35 Ill. Adm. Code 166: Subpart A).

(Source: Added at 17 Ill. Reg. 9684, effective June 10, 1993.)

SUBPART C: USEPA REVIEW AND OBJECTION PROCEDURES

Section 252.301 USEPA Review and Objection

- a) Notice shall be provided to USEPA at the same time it is provided to the public pursuant to Section 252.201 of this Part.
- b) For draft CAAPP permits subject to review under Section 39.5 of the Act, following the public notice and comment period provided for by Section 252.201 of this Part, the Agency shall consider all comments received and determine the contents of a proposed CAAPP permit. The proposed CAAPP permit shall be provided to USEPA for review and comment for a period of 45 days unless USEPA waives review.
- c) If USEPA objects to the contents of a proposed CAAPP permit in writing and with a justification for its objections as provided in Title V of the Clean Air Act as amended (42 USC §7401 et seq.) and regulations promulgated thereunder, the Agency shall respond to USEPA's objection. The Agency shall provide the applicant and any person who participated in the public comment process under this Part 10 days to submit written comments to the Agency contact person described at Section 252.201(c)(11) of this Part regarding any revisions which the Agency is proposing to make in response to USEPA's objections. The Agency may then revise and resubmit the proposed CAAPP permit without any further public participation within 90 days after the date of the objection.
- d) If USEPA does not object to the contents of a proposed CAAPP permit in writing and with a justification for its objections in accordance with procedures established under Title V of the Clean Air Act as amended, the Agency shall issue the proposed permit as the CAAPP permit without further change.
- e) If USEPA does not object in writing to issuance of a proposed CAAPP permit, any person may petition USEPA within 60 days after expiration

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of the 45-day review period to make such objection in accordance with applicable procedures established under Title V of the Clean Air Act.

- f) If the CAAPP permit has not yet been issued and USEPA objects to the proposed permit as a result of a petition, the Agency shall not issue the permit until USEPA's objection has been resolved. The Agency shall provide for a 10-day comment period as set forth in subsection (c) above. A petition does not, however, stay the effectiveness of a permit or its requirements if the permit was issued after expiration of the 45-day review period and prior to a USEPA objection.

- g) If the Agency has issued a CAAPP permit after expiration of the 45-day review period and prior to receipt of a USEPA objection, the Agency may, after receiving an objection from USEPA, revise and resubmit the permit to USEPA after providing for 10-day comment period as set forth in subsection (c) above of this Section. If the Agency fails to submit a revised permit in response to the objection, USEPA shall modify, terminate or revoke the permit, pursuant to the Clean Air Act as amended.

(Source: Added at 17 Ill. Reg. 9684, effective June 10, 1993)

SUBPART D: AGENCY ACTION

Section 252.401 Final Permit Action

After the close of the comment period including the period for USEPA's review of a proposed permit, the Agency shall take final permit action. The Agency shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision.

(Source: Added at 17 Ill. Reg. 9684, effective June 10, 1993)

- 1) Heading of Part: Public Participation in the Air Pollution Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 253
- 3) Section Numbers:

253.101	Repeal
253.102	Repeal
253.103	Repeal
253.201	Repeal
253.202	Repeal
253.203	Repeal
253.204	Repeal
- 4) Statutory Authority: Environmental Protection Act, Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1004(b) and 1039.5, subsection 8.
- 5) Effective Date of Rule: June 10, 1993
- 6) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 7) Does this rule contain incorporations by reference?
If "yes," please specify the date: _____
Yes ☒ No ☐
- 8) The date the adopted rule was filed in the Agency's Principal Office: June 9, 1993
- 9) Notice of Purpose Published in the Illinois Register: December 4, 1992, 16 Ill. Reg. 18139.
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between the proposal and the final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes requested.
- 13) Will this rule replace an emergency rule currently in effect?
Yes ☒ No ☐
- 14) Are there any amendments pending on this Part? Yes ☒ No ☐

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ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED REPEALER

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rule: This Part is herein repealed. The public participation rules for the air pollution permit program have been consolidated into Part 252.

- 16) Information and questions regarding this adopted rule shall be directed to:

Illinois Environmental Protection Agency
Attn: Sharon Davis
P.O. Box 19276
Springfield, IL 62794-9276
217/524-3333

- 1) Heading of Part: Data Collection
- 2) Code Citation: 77 Ill. Adm. Code 2510
- 3) Section Numbers: Adopted Action:
2510.50 Amendment
2510.55 Amendment
2510 Appendix D Repeal
- 4) Statutory Authority: Section 2-3 of Article II and Section 4-2 of Article IV of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 6502-3 and 6504-2).
- 5) Effective Date of Amendments: June 10, 1993
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: November 24, 1992
- 9) Notice(s) of Proposal Published in Illinois Register: December 11, 1992
16 Ill. Reg. 18913
- 10) Has JCAR issued a Statement of Objections to this(these) rule(s)? No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR: N/A.
- 13) Will this rule replace an emergency rule currently in effect? No.
- 14) Are there any other proposed amendments pending on this part? No.

The full text of the Adopted Amendment(s) begins on the next page.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2510
DATA COLLECTION

Section	Purpose
2510.10	Outside Contractor
2510.20	Collection and Submission of Hospital Financial Data
2510.30	Submission of Medicare Cost Reports
2510.40	Collection of Information on Uniform Billing Form
2510.50	Report of Inpatient Discharges
2510.55	Quarterly Reports
2510.60	Special Studies and Analysis
2510.70	Confidentiality
2510.80	ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL ANNUAL FINANCIAL DATA REPORT
APPENDIX A	MAGNETIC MEDIA RECORD FORMAT
APPENDIX B	UB-82 DATA FIELDS
APPENDIX C	HOSPITAL TRANSMITTAL FOR UB-82 DISCHARGE DATA
APPENDIX D	(REPEALED)

AUTHORITY: Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 6504-1 to 6504-5 and par. 6502-3) [20 ILCS 2215/4-1 to 4-5 and 2-3].

SOURCE: Adopted and codified at 9 Ill. Reg. 12726, effective August 5, 1985; amended at 10 Ill. Reg. 18790, effective October 17, 1986; amended at 11 Ill. Reg. 1574, effective January 2, 1987; amended at 12 Ill. Reg. 6102, effective March 21, 1988; amended at 13 Ill. Reg. 334, effective December 30, 1988; amended at 14 Ill. Reg. 2078, effective January 19, 1990; amended at 16 Ill. Reg. 8980, effective June 3, 1992; emergency amendment at 16 Ill. Reg. 19210, effective November 25, 1992 for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2031, effective January 29, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 9700, effective June 10, 1993.

NOTE: Capitalization denotes statutory language.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Section 2510.50 Collection of Information on Uniform Billing Form

a) Adoption of Uniform Billing Form UB-82/HCFR 1450

EFFECTIVE JANUARY 1, 1985, ALL HOSPITALS SHALL ADOPT A UNIFORM SYSTEM FOR SUBMITTING PATIENT CHARGES FOR PAYMENT FROM PUBLIC AND PRIVATE PAYORS. THIS SYSTEM SHALL BE BASED UPON THE ADOPTION OF THE UNIFORM HOSPITAL BILLING FORM UNIFORM BILLING 82/HEALTH CARE FINANCING ADMINISTRATION 1450 (UB-82/HCFR 1450) ("UB-82") HERINAFTER DEVELOPED BY THE NATIONAL UNIFORM BILLING COMMITTEE. Section 4-2 of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6504-2) [20 ILCS 2215/4-2].

b) Acceptance of UB-82

EFFECTIVE JANUARY 1, 1985, THE DEPARTMENT OF INSURANCE SHALL REQUIRE ALL THIRD-PARTY PAYORS, INCLUDING BUT NOT LIMITED TO LICENSED INSURERS, MEDICAL AND HOSPITAL SERVICE CORPORATIONS, HEALTH MAINTENANCE ORGANIZATIONS, AND SELF-FUNDED EMPLOYEE HEALTH PLANS, TO ACCEPT THE UNIFORM HOSPITAL BILLING FORM UB-82, WITHOUT ATTACHMENT; PROVIDED, HOWEVER, NOTHING IN THIS CHAPTER SHALL PREVENT ALL SUCH THIRD-PARTY PAYORS FROM REQUIRING ADDITIONAL INFORMATION, INCLUDING BUT NOT LIMITED TO ITEMIZED BILLS, NECESSARY TO DETERMINE ELIGIBILITY FOR BENEFITS OR LIABILITY FOR REIMBURSEMENT FOR SERVICES PROVIDED. THE ILLINOIS DEPARTMENT OF PUBLIC AID SHALL NOT BE REQUIRED TO ACCEPT THE UNIFORM HOSPITAL BILLING FORM UB-82 PRIOR TO OCTOBER 1, 1985, Section 4-2 of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6504-2) [20 ILCS 2215/4-2].

c) Filing of UB-82 Information with the Council

Extracts of UB-82 bills for inpatient services shall be prepared by hospitals according to the following regulations.

1) All hospitals may file UB-82 discharge data with the Council for discharges occurring during the first calendar quarter of 1985 on

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hard copy. Subsequent to that period, only hospitals not having data processing equipment capable of producing data in one of the acceptable magnetic formats specified in subsection (c)(2) below shall file hard copy UB-82 information with the Council. Such information shall be filed with the Council on a UB-82 form or a facsimile of UB-82 with the confidential fields specified in subsection (e) below deleted.

2) Data Submission Standards

A) After submission of first quarter 1985 UB-82 data extracts shall be submitted in a magnetic format if the hospital is equipped with data processing equipment capable of producing data in one of acceptable magnetic formats. The physical specifications of the magnetic tape shall be any size reel of magnetic tape recorded in 9 track, Extended Binary Coded Decimal Interchange Code mode, with density equal to 1600 bytes per inch ("BPI") or 6250 BPI. Acceptable formats for submission of data on floppy disk will be determined by the Council.

A) After the first quarter of 1985, UB-82 data extracts shall be submitted in a magnetic format. Acceptable magnetic and electronic formats for submission of data will be determined by the Council. The Council shall make no changes to the media-acceptable standards without a minimum of 30 days notification to the affected hospitals except where errors or omissions in published standards and procedures make impossible the submission of data by the means described in the published standard. In such cases, the Council may immediately publish changes and immediately put them into effect.

B) The data shall be submitted in records formatted as indicated in Appendix B of this Part. Physical and logical descriptions of the media, blocks and records shall be as defined and modified by the Council from time to time.

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C) Revisions of data originally filed on a magnetic or electronic format must be filed on a magnetic or electronic format reporting the entire logical record for each record changed.

D) For each patient, the data elements described in subsection (d) below form a record of 572 characters. Each record must be prepared as recorded onto a magnetic or electronic record tape in the format described below in Appendix B of this Part. In all instances data elements contained on the uniform bill (UB-82) will be recorded in accordance with the requirements for completing the form as described in subsection (d) below. The precise record form is as found in Appendix B of this Part.

E) All claims transactions submitted to the Council must be covered by one or more properly completed Transmittal Forms as defined by the Council. The form shall contain at least the following information:

Submitter Information
Information about the hospital name and address, hospital ID number, contact name and phone number, and other information as may be useful in identifying the submission and contacting other parties responsible for resolving errors;

Batch/Record Identification
Information regarding the means or media of submission, indication of date submitted, and other information required by the Council to process the submission;

Actual Number of Discharges
Information regarding the number of discharges occurring at the reporting hospital during a given month. The form shall be prepared and registered as required by Public Act 80-1338, as amended November 27, 1985. The Council may change the

School Insurance

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format and content of the form from time to time within limits which do not impair consistency with the content enumerated above, but in no case shall request submissions using an obsolete form without at least 30 calendar days notice to the affected hospitals.

F) The Council may allow for the submission of claims data by Electronic Data Interchange as an optional data submission mechanism for hospitals who are equipped to participate. Using record formats as defined elsewhere in this rule and providing for transmittals to be received either physically or by facsimile, the Council may, as budget permits, identify and publish standards for compression, telecommunications rates and protocols, sign-on, file transfer and other EDI-related methodologies, using such a method and applying such standards to allow hospitals and their agents to submit UB-82 data over telephone lines and through commercial bulletin board services as determined feasible and desirable by the Council. The Council shall develop such standards with regard to the capabilities of hospitals to use the optional method, and such capability is to be determined by a census taken prior to the implementation of any such submission mechanism. The Council shall make no changes to the EDI-related standards without a minimum of 30 days notification to the affected hospitals except where errors or omissions in published standards and procedures make impossible the submission of data by the means described in the published standard. In such cases, the Council may immediately publish changes and immediately put them into effect.

3) For quarters ending before July 1, 1992, hospitals shall file complete UB-82 data for ninety five percent (95%) of all discharges within sixty (60) calendar days of the last day of the calendar month in which the patient was discharged or died. The complete UB-82 data for the remaining five percent (5%) of all discharges must be filed within one hundred eighty (180) calendar days of the last day of the calendar month in which the patient was discharged or died. Hospitals will be allowed twenty (20) calendar days to correct any UB-82 data submission errors identified by the Council. For quarters beginning

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July 1, 1992, hospitals shall file complete UB-82 data for ninety five percent (95%) of all discharges within sixty (60) calendar days of the last day of the calendar month in which the patient was discharged or died. The complete UB-82 data for the remaining five percent (5%) of all discharges must be filed within ninety (90) calendar days of the last day of the calendar month in which the patient was discharged or died. Hospitals will be allowed twenty (20) calendar days to correct any UB-82 data submission errors identified by the Council.

4) Hospitals will not be required to file UB-82 information on patients for whom a bill is generated exclusively for the Illinois Department of Public Aid until October 1, 1985. The Illinois Department of Public Aid shall report to the Council the data listed in subsection (d) below for the discharges occurring during the period January 1, 1985, through September 30, 1985.

d) Required UB-82 Data

The Council, in cooperation with the State Departments of Public Aid, Insurance, and Public Health, shall establish a system for the collection of the following information from hospitals utilizing the raw data available on the uniform hospital billing form UB-82. Such data determined as necessary by the Council shall be filed for every discharge regardless of payor and shall include the UB-82 data fields coded according to the Council's requirements as found in Appendix C of this Part.

e) Confidential UB-82 Data

The following UB-82 data fields have been determined to be confidential by the Council and may not under any circumstances be filed with the Council:

Field	Subfield	Description
10	n/a	Patient's Name
11	n/a	Patient's Address (except zip code)
34	n/a	Responsible Party Name and Address
65	n/a	Insured's Name

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68	n/a	Insured's Certificate Number, Social Security Number, Health Insurance Identification Number
74	n/a	Employee Identification Number
94		Remarks

f) Hospital Identification Number

The Medicaid identification number assigned by the Medical Assistance Program of the Illinois Department of Public Aid is the required hospital identification number and shall be recorded in field 8 on all UB-82 records filed with the Council. Hospitals not participating in the Medical Assistance Program shall immediately request a number be assigned by the Council. The request shall be made to the Executive Director.

g) Self Administered Insurance Plan Identification Number

Self administered insurance plans and health and welfare funds may request an identification number from the Council. The request shall be made to the Executive Director. The identification number must be obtained and used if the plan or fund desires to obtain reports on its members from the Council.

h) Small Hospital Exemption

The Council shall exempt hospitals with fewer than fifty (50) beds licensed under the Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 46-42.142 et seq.) [210 ILCS 85/1 et seq.] from the filing of UB-82 data with the Council if the Council finds that compliance would impose undue economic hardship on the hospital and if the Council determines that the data from these hospitals are not essential to its data base and its concomitant health care cost comparison efforts. In determining whether compliance will constitute an undue economic hardship the Council will consider the cost to the hospital, both in relation to initial costs to obtain the capability to generate data in this format, and the routine cost of generating such data compared to the ability of the hospital to absorb the added cost of such production. Hospitals with less than fifty (50) beds licensed under the Hospital Licensing Act anticipating compliance to impose an undue economic hardship may file with the Council a request for an exemption. Such request must document the undue economic hardship.

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i) Sample Size

Hospitals shall file the required UB-82 data specified in this Part for each discharge.

j) Payment for Submission of UB-82 Data

4) Beginning with the payment for the July to December 1987 discharge period, reimbursement will be made semi-annually in January for correct discharge data appearing on the Illinois Health Care Cost Containment UB-82 data base for the previous January 1 to June 30 period and in July for correct discharge data appearing on the Illinois Health Care Cost Containment UB-82 data base for the previous July 1 to December 31 period. Under the intent of this provision, there will be no January 1988 payment. The first payment under the revised rule will be made in July 1988; payment will be made every six months thereafter.

2) The payment to be made January 1, 1989, for hospital discharges occurring between January 1, 1988, through June 30, 1988, for hospitals that have submitted seventy-five (75%) correct of all discharges shall be \$420.00. Beginning with the payment to be made July 1, 1989, for hospital discharges occurring between July 1, 1988, and December 31, 1988, and payments thereafter, each hospital that has submitted eighty-five percent (85%) correct of all discharges shall be reimbursed at a semi-annual rate of \$420.00; hospitals that do not meet the threshold percentage of correct discharges shall not be reimbursed.

Beginning with the payment to be made after July 1, 1993, for hospital discharges occurring between July 1, 1992 and December 31, 1992, and payments thereafter, each hospital that has submitted ninety-five percent (95%) correct of all discharges shall be reimbursed at a semi-annual rate of \$420.00. In the event that appropriations for the line item are inadequate, the payments will be reduced proportionately. Hospitals that do not meet the threshold percentage of correct discharges shall not be reimbursed.

Amended at 17 Ill. Reg. 9700, effective June 10, 1993

(Source:

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Section 2510.55 Report of Inpatient Discharges

- a) Effective within thirty (30) days of the effective date of this Section, each hospital shall provide, in writing to the Executive Director, a list by calendar month of the total number of hospital inpatient discharges including new born discharges for the calendar months of April, 1985 through December, 1986 (in the case of multiple births, each child is counted as a discharge).
- b) Effective with the filing of UB-82 discharge data on or after the effective date of this Section each hospital shall be required to file with each submission of data, the transmittal form shown in Appendix-D with items #1 through #7 completed as defined by the Council pursuant to the authority given in Section 2510.50 (c)(2)(E).
- c) Effective beginning with calendar month January, 1989, each hospital shall within 30 calendar days following the last day of a calendar month, submit in item #8 of Appendix-D the actual total number of hospital inpatient discharges for that calendar month as defined by the Council pursuant to the authority given in Section 2510.50 (c)(2)(E).
- d) A hospital may submit item #8 in Appendix-D the actual number of hospital inpatient discharges either in conjunction with or separately from the submission of UB-82 discharge data as defined by the Council pursuant to the authority in Section 2510.50 (c)(2)(E).

- e) All filing filings required in subsections (a) through (d) above shall be sent to:

Illinois Health Care Cost Containment Council
c/o Precise-Data Service, Attention: Data-Control Clerks
7660 Plaza Court
Willowbrook, Illinois 60521
Attention: Field Operations
4500 South Sixth Street, Road, Suite 215
Springfield, Illinois 62703-5118

(Source: Amended at 17 Ill. Reg. 9700, effective June 10, 1993)

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NOTICE OF ADOPTED AMENDMENTS

Section 2510 APPENDIX D Hospital Transmittal for UB 82 Discharge Data (Repeated)

SUBMITTER IDENTIFICATION ITEMS

- 1) Hospital Name/Address _____
- 2) Hospital ID# _____
- 3) Contact Person _____
- 4) Phone Number () _____ Ext. _____

RECORD BATCH IDENTIFICATION ITEMS

- 5) Data Submission Media: Hard Copy Tape Diskette Error Report _____
- 6) Period Covered From / To / _____
- 7) Date Sent to Council / / _____
- Number of UB-82 Records by Month:
Month _____ Number _____

MONTHLY NUMBER OF ACTUAL HOSPITAL INPATIENT DISCHARGES

- 8) Total number of inpatient hospital discharges for the calendar month (MMXX) _____

(MM) / (XX) (Total Number)

PLEASE SEND THIS TRANSMITTAL SHEET WITH ALL DOCUMENTS AND/OR TAPE AND/OR DISKETTES TO:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL
c/o PRECISE DATA SERVICE
7660 PLAZA COURT
WILLOW BROOK, ILLINOIS 60521
ATTENTION: DATA CONTROL CLERKS

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HOSPITAL TRANSMITTAL FOR UB-82 DISCHARGE DATA

INSTRUCTIONS FOR COMPLETION

Items 1 through 4 are to identify the hospital name, hospital 12 digit ID#, and contact persons and must always be completed for each submission of a batch of UB-82 discharge records and/or each submission of information contained in Item 8 to the Council.

SUBMITTER IDENTIFICATION ITEMS

Item 1. Hospital Name/Address: Enter the complete name and address of the hospital submitting the transmittal.

Item 2. Hospital ID#: Enter the 12 digit hospital ID# assigned by the Department of Public Aid.

Item 3. Contact Person: Enter the name of the individual to be contacted by Council if there are any question regarding the transmittal.

Item 4. Phone Number: Enter the phone number of contact person.

Items 5 through 7 are to identify characteristics of the batch of records and must always be completed for each submission of a batch of UB-82 discharge records to the Council.

RECORD BATCH IDENTIFICATION ITEMS

Item 5. Record Submission Media: Check the appropriate medium—"Hard Copy"—UB-82 discharge records; "Tape"—UB-82 discharge records; "Diskette"—UB-82 discharge records; or "Error Report"—with corrections made on hard copy.

Item 6. Period Covered: Enter the dates of the earliest and latest UB-82 discharge records included with the submission.

Item 7. Date Sent to Council: Enter the date the submission is sent to the Council (PDS).

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Number of UB-82 Records by Month: Enter on the top lines the names of each month for which entries are being submitted (in reverse chronological order) and on the bottom lines the number of records submitted for the corresponding months. Note: Each UB-82 is counted as a record. One discharge which uses two UB-82 forms is counted as two records. Records should be batched by month of discharge.

Item 8 is to report the number of actual discharges experienced by the hospital for a calendar month, not the number of discharges submitted to the Council, and must be completed and submitted to the Council within 30 days of the end of each calendar month. Item 8 information is separate and distinct from the information to be contained in Items 5 through 7. When correctly submitted, there are to be 12 Item 8's submitted during each year. Item 8 information can be transmitted without any batched UB-82 discharge records, which would result in Items 5 through 7 being blank.

MONTHLY NUMBER OF ACTUAL HOSPITAL INPATIENT DISCHARGES

Item 8. Enter the total number of inpatient discharges for the calendar month. For purposes of Council reporting, the total number of discharges must include newborn discharges regardless of whether separate or combined UB-82 records were issued for the newborns.

(Source: Repeated at 17 Ill. Reg. 9700, effective June 10, 1993)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of Part: Penalties
- 2) Code Citation: 77 Ill. Adm. Code 2540
- 3) Section Numbers: Adopted Action:
2540.30 Amendment
- 4) Statutory Authority: Implementing Article V and authorized by Section 2-3 of Article II and Section 5-2 of Article V of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 6502-3 and 6505-2).
- 5) Effective Date of Amendments: June 10, 1993
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in the Agency's Principal Office: November 24, 1992
- 9) Notice(s) of Proposal Published in Illinois Register: December 11, 1992
16 Ill. Reg. 18915
- 10) Has JCAB issued a Statement of Objections to this(these) rule(s)? No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all changes agreed to upon by the agency and JCAB been made as indicated in the agreement letter issued by JCAB? N/A
- 13) Will this rule replace an emergency rule currently in effect? Yes.
- 14) Are there any other proposed amendments pending on this part? No.

The full text of the Adopted Amendment(s) begins on the next page.

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2540
PENALTIES

Section
2540.10 Criminal Penalties
2540.20 Referral to State's Attorney
2540.30 Request for Injunction

AUTHORITY: Implementing Article V and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 6505-1 to 6505-2 and par. 6502-3) [20 ILCS 2215/5-1 to 5-2 and 2-3].

SOURCE: Adopted at 9 Ill. Reg. 12778, effective August 5, 1985; amended at 12 Ill. Reg. 6114, effective March 21, 1988; emergency amendment at 16 Ill. Reg. 19223, effective November 25, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9213, effective June 10, 1993.

NOTE: All capital letters denotes statutory language.

Section 2540.30 Request for Injunction

- a) Whenever the Council finds that it is necessary in order for the Council to effectively perform its duties pursuant to the Act, it may request the State's Attorney of the county in which an alleged violation of the Act or this Chapter occurred, or the Attorney General, to bring an action for injunction against any hospital violating the provisions of the Act or this Chapter.

- b) The Council will send ~~three~~ two warning letters to hospitals who are out of compliance with its requirements for the correct submission of financial data and UB-82 data as set forth in 77 Ill. Adm. Code 2510. The letters will be sent within 60 days of the time the hospital is determined to be out of compliance, the first letter being sent no later than 20 days and the second letter no later than 40 days after the hospital is determined by the Council to be out of compliance. The letters will be sent registered certified mail return receipt requested.

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c) The first letter will be a reminder that data are due. The second letter will be a second reminder that the data is due. The final letter will indicate that if the hospital does not provide a satisfactory response within ten days that the Council shall request an injunction.

d) A satisfactory response from a hospital shall be the submission of the late data or a response acceptable to the Council from the hospital demonstrating that either compliance is impossible or that the hospital is actively undertaking those steps necessary to submit the late data. Compliance is impossible when the Council determines that it would constitute a burden outweighing the benefit to the public that would be obtained by the submission of data.

(Source: Amended at 17 Ill. Reg. 9713, effective June 10, 1993.)

DEPARTMENT OF STATE POLICE MERIT BOARD
NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3) Section Numbers: 150.210 Amendment
150.220 Amendment
Appendix A Repealed
Appendix B Renumbered
- 4) Statutory Authority: 111. Rev. Stat. 1991, ch. 121, par. 307.8 and 307.9 [20 ILCS 2610/8 and 2610/9]
- 5) Effective date of rule(s): June 10, 1993
- 6) Does this rulemaking contain an automatic review date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in agency's principal office: May 28, 1993
- 9) Notice(s) of Proposal published in Illinois Register:
November 30, 1992, 16 Ill. Reg. 17959
- 10) Has JCPR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between processed and final version:
Format changes were made in accordance with the suggestions received from the Administrative Code Unit. A change has also been made to Section 150.210 as follows:
Successfully complete mental and physical and medical tests and a background investigation as prescribed by the Board. (See Section 150 Appendix A of this Part end-B.)
- 12) Have all the changes agreed upon by the agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rule(s):
150.210 - The Merit Board entered into an Agreement with the Equal Employment Opportunity Commission to abolish the maximum hiring age for Illinois State Police sworn officers. This Agreement is in response to a class action lawsuit (No. 88 C-214) filed by applicants who were denied application for employment with the State Police because they were over the maximum age limit for Illinois State Police applicants.
150.220 and Appendix A - The Americans with Disabilities Act (ADA) states that a medical examination may only be given after an offer of employment has been made to a job applicant. The Illinois State Police Merit Board is

DEPARTMENT OF STATE POLICE MERIT BOARD

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not authorized to make an offer of employment to applicants. The Merit Board's statutory authority stops at the time applicant certifies as necessary to delete the medical examination from the selection procedures conducted by the Merit Board. The vision standards are also being deleted because they are a part of the medical examination.

Appendix B - Since Appendix A has been deleted, Appendix B will be renumbered.

16) Information and questions regarding this adopted rule shall be directed to:

Name: James E. Seiber, Executive Director
Address: 3180 Adloff Lane, Suite 100, Springfield, IL 62703
Telephone: 217/786-6240

The full text of the Adopted Rule(s) begins on the next page:

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150
PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section
150.210 Qualifications
150.220 Selection Procedures
150.230 Recertification
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section
150.310 Ranks
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410 Board Responsibilities
150.420 Eligibility
150.430 Procedures
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510 Merit Board Jurisdiction
150.520 Discipline Afforded the Superintendent
150.530 Notification to Suspended Officer
150.540 Petition for Review
150.550 Petition for Review
150.560 Filing Procedures
150.565 Procedure for Processing Petition for Review
150.570 Director's Review
150.575 Discipline Afforded the Director
150.580 Complaint Procedures
150.585 Submitting the Hearing
150.590 Notification to Officer

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SUBPART F: HEARINGS

150.610 Board Docket
150.620 Hearing Officer
150.630 Pre-hearing Conferences
150.640 Subpoenas
150.650 Request for Witnesses or Documents
150.655 Evidence Depositions
150.665 Hearing Procedures
150.670 Continuances and Extensions of Time
150.680 Composition of the Board
150.690 Definitions of the Board
150.695 Service and Form of Papers

Appendix A Vision Standards (Renumbered)

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the Department of the State Police Act (Ill. Rev. Stat. 1991, ch. 121, pars. 307.3 through 307.14.) [20 ILCS 2610/0-01 - 2610/0-14]

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, P. 206, effective February 3, 1987, amended at 2 Ill. Reg. 32, P. 34, effective July 27, 1978, for a maximum of 150 days; emergency amendments at 2 Ill. Reg. 51, P. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, P. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, P. 86, effective November 12, 1979; emergency amendments at 11. Reg. 6, P. 284, effective February 12, 1980; amended at 6 Ill. Reg. 9, 10954, 1980; amended at 6 Ill. Reg. 11, 10954, 1980; amended at 7 Ill. Reg. 9900, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983; emergency amendments at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 1684, 1984; amended at 9 Ill. Reg. 11, 11985, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17732, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 24, 1987; amended at 11 Ill. Reg. 10736, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 13192, effective November 1, 1990; amended at 16 Ill. Reg. 11835, effective May 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993.

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section 150.210 Qualifications

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a) The Board shall certify to the Director in writing qualified applicants and certify to the Department of State Police the names of the applicants shall:

1) Be at least twenty-one years of age and have not reached their thirty-seventh birthday. Persons twenty years of age may be certified if they have successfully completed 2 years (60 semester hours) of college or university studies at an accredited college or university.

2) Education Requirements

a) Have completed, with an average grade of C or better, 60 semester hours of college or university studies, including semester/quarter hours totaling 2 years of education from an accredited college or university.

b) Assignment as a Special Agent requires that an applicant degree in any field from an accredited institution of higher learning, has completed, with an average grade of C or better, 60 semester hours, 90 quarter hours or any combination of semester/quarter hours totaling 2 years of education from an accredited college or university plus three years of law enforcement experience as a sworn member of a Federal, State, County, Municipal or campus law enforcement unit.

3) Be a citizen of the United States with no felony convictions.

4) Accept assignment anywhere in the State.

5) Possess a valid driver's license at time of application.

6) Successfully complete mental and physical and medical tests and a background investigation as prescribed by the Board. (See Section 150.210, Appendix A and B of this Part.)

b) The Board may certify more applicants than there are vacant positions at the time of certification. Such certified applicants shall be eligible for appointment for a period of time designated by the Board.

(Source: Amended at 17 Ill. Reg. 9716, effective June 10, 1993.)

Section 150.220 Selection Procedures

a) Procedures shall consist of:

- 1) Application
- 2) Written Entrance Examination
- 3) Physical Ability Test
- 4) Oral Interview
- 5) Background Investigation
- 6) Psychological Screening
- 7) Medical Examination

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b) Preference shall be given to all persons who have honorably served in the Military or Naval Services of the United States.

(Source: Amended at 17 Ill. Reg. 9716, effective June 10, 1993)

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Section 150. Appendix A Vision Standards (Repealed)

Type-of-Test	Standard	Testing-Method
1. Visual Acuity	At or corrected to 20/20 binocular with worst eye no less than 20/40.	Snellen digit at both near and far point on binocular-vision screen.
2. Visual Acuity Uncorrected	20/40 binocular with worst eye no less than 20/200.	Snellen digit at both near and far point on binocular-vision screen.
3. Night Vision	At or corrected to 20/20 binocular with night seeing lighting	Snellen digit at far point on binocular-vision screen.
4. Binocular Vision	Clear, comfortable binocular vision with good stereopsis at all normal working distances and viewing angles with correction.	Phoria at both near and far points. Fusion at both near and far point.
5. Stereo Acuity	Measured at 40 sec of arc by reading line #4 on the Shepard Fry scale or dot #6 on the Titmus Stereo-Test.	Shepard-Fry scale at near point. Stereo-Test at near point.
6. Color Vision	Normal or anomalous trichromatic color vision by reading D-15, D-16, and D-17.	Passing the (red/green) and (blue/violet) test—if failed, go to D-16 plates to get identifying correctly numbers 1-4. If failed, go to numbers 5-7. Normal will not be able to read red-green color-blind with red number 45.
7. Visual Fields	At least 70° in the horizontal meridian in each eye.	By testing both left and right eye at 55°, 70°, and nasal 45°.

(Source: Repealed at 17 Ill. Reg. 9716, effective June 10, 1993)

DEPARTMENT OF STATE POLICE MERIT BOARD
NOTICE OF ADOPTED AMENDMENTS

Section 150. Appendix B Physical Fitness Standards

FIVE-ITEM PHYSICAL FITNESS TEST
FOR DEPARTMENT OF STATE POLICE OFFICER APPLICANTS

Practical exercise performance requirements are physical activities related to law enforcement tasks. The following practical exercise performance requirements have been identified and must be satisfactorily performed for successful completion of the Merit Board's Physical Ability Test requirement.

1. THRESHOLD WEIGHT

This is the weight that has been determined as the weight necessary to 1) perform police tasks without undue effort, and 2) to minimize health problems due to overweightness. The score is pounds per height in inches.

PERCENT BODY FAT

For those individuals not meeting the threshold weight a body fat test will be administered. This is the percentage of body fat that has been determined as the level of overweightness that poses a health risk. The score is in a fat percentage.

2. SIT AND REACH TEST

This is a measure of the flexibility of the lower back and upper leg area. It is an important area for performing police tasks involving range of motion and is important in minimizing lower back problems. The score is in the inches reached on a yard stick.

3. ONE MINUTE SIT UP TEST

This is a measure of the muscular endurance of the abdominal muscles. It is an important area for performing police tasks that may involve sit ups, such as restraining a resistant individual, and minimizing lower back problems. The score is in the number of sit ups completed in one minute.

4. ONE REPETITION MAXIMUM BENCH PRESS

This is a maximum weight pushed from the bench press position and measures the amount of force your upper body can generate. It is an important area for performing police tasks requiring upper body strength. The score is a ratio of weight pushed divided by body weight. The test will be conducted on a Universal DVR-Chest Press.

5. 1.5 MILE RUN

DEPARTMENT OF STATE POLICE MERIT BOARD
NOTICE OF ADOPTED AMENDMENTS

ILLINOIS DEPARTMENT OF STATE POLICE MERIT BOARD
PHYSICAL FITNESS STANDARDS

TEST	MALE AGE	FEMALE AGE
	20-29	30-36
	20-29	20-29
Percent Body Fat	17.4%	23.7%
Sit & Reach	16.5 in.	19.3 in.
Minute Sit-up	38	32
Maximum Bench Press Ratio	.99	.88
(% of total weight)	.88	.59
1.5 Mile Run	12:51	15:26
	13:36	15:57

(Source: Former Section 150, Appendix A, repealed, new Section 150, Appendix A, amended, Section 150, Appendix B at 17 Ill. Reg. 9716, effective June 10, 1993.)

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- 1) The heading of the Part: The Illinois Library System Act
- 2) Code Citation: 23 Ill. Adm. Code 3030
- 3) Section Numbers:
3030.10
Amendment
3030.105
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act (Ill. Rev. Stat. 1991, ch. 81, pars. 111 et seq.) [75 ILCS 10/1.1 et seq.]
- 5) Effective Date of Amendment: June 11, 1993
- 6) If the emergency amendment is to expire before the end of the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed in Agency's Principal Office: June 11, 1993
- 8) Reason for Emergency: Emergency rules are necessitated to ensure more expeditious dispersal of public funds from the Illinois State Library to public libraries. The acceleration of the grant timetable will facilitate addressing this urgent public need. Public libraries will receive funds in a more timely manner and enable them to meet their patrons' needs more quickly. The public libraries are being notified of the change in the application deadline through their library system.
- 9) Complete Description of the Subjects and Issues Involved: A definition for "should" has been added as per the agreement with JCAR for inclusion with the next amendments to these rules; clarification was requested as per its use in Section 3030.50, Service Standards, pertaining to library systems. Amendment changes the application date for public library equalization grants and per capita grants from October 15 of each year to July 15 of each year.
- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Information and questions regarding this Emergency Amendment shall be directed to:

Kathleen L. Bloomberg
Associate Director, Library Development Group
Illinois State Library
300 South Second Street
Springfield, Illinois 62701-1796
Phone: (217) 785-0052

The full text of the Emergency Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

Section 3030.10 Definitions

SUBTITLE B: CULTURAL RESOURCES

EMERGENCY

CHAPTER 1: SECRETARY OF STATE

PART 3030

THE ILLINOIS LIBRARY SYSTEMS ACT

Section
3030.10 Definitions

EMERGENCY

3030.15 Forms

3030.20 Administration of the Act: Hearings

3030.25 Establishment of Systems

3030.30 Geographic Boundaries

3030.35 Membership in a Library System

3030.40 Contracting Libraries

3030.45 Accessing Resources and Services

3030.50 Service Standards

3030.55 Service to State Institutions

3030.60 Services to the Physically Disabled (Repealed)

3030.65 Plan of Service for a Cooperative or Multitype Library System

3030.70 Plan of Service for a Public Library System

3030.75 Conversion of a Cooperative Public Library System or a Public

Library System to a Multitype Library System

3030.80 Liquidation

3030.85 Merger

3030.90 Finances and Records

3030.95 Governing Board

3030.100 Rules

3030.105 State Grants

EMERGENCY

3030.110 Revocation of Approval

3030.115 Suspension of a Library from Membership

3030.120 Transfer of Membership

3030.125 Withdrawal of Membership

3030.130 Annual System Reports

AUTHORITY: Implementing and authorized by The Illinois Library Systems Act (Ill. Rev. Stat., ch. 81, pars. 111 et seq.) [75 ILCS 10/1 et seq.].

SOURCE: Rules and Regulations for Library Systems and State Aid adopted November 8, 1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 13, 1989; amended at 14 Ill. Reg. 20066, effective December 1, 1990; amended at 16 Ill. Reg. 10329, effective June 12, 1992; emergency amendment at 17 Ill. Reg. 9725, effective June 11, 1993 for a maximum of 150 days.

"Academic Library": The library or libraries of an institution of education beyond the secondary level.

"The Act": The Illinois Library System Act. (Ill. Rev. Stat. 19831991, ch. 81, pars. 111 et seq.) [75 ILCS 10/1 et seq.]

"Affiliate Library": A library other than a public library with which a library system contracts to cooperate with the system in the implementation of the system plan of service.

"Constituent": An individual who is legally eligible to borrow materials from a specific library by virtue of his relationship to the library or its parent institution.

"Contracting Library": A library or libraries with which a library system board contracts to provide system members with services.

"Cooperative Reference Service": Reference service to members of a library system provided from within or outside the library system.

"Direct Patron Service": A service of a library system administrative headquarters or of a library outlet administered by a system administrative headquarters provided to library users rather than to other libraries.

"Encumbrance": An obligation arising from the issuance of purchase orders and/or contracts chargeable to system budget allocations.

"Governing Authority": The body or individual which has the legal authority to enter into legal contracts on behalf of the institution desiring to become a member or affiliate of a library system.

"Library": Unless otherwise defined as a public library by statute, an entity which serves the basic information and library needs of its constituents through a bibliographically organized collection of library materials and has at least one employee whose primary duty it is to serve as a librarian. The collection must have permanent financial support, be accessible centrally, and occupy identifiable quarters in one principal location.

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"Library Interests": The characteristics of member libraries of systems, and the communities and constituents they serve, which affect representation on system boards. Such interests include, but are not limited to, types of libraries, and size and geographic distribution of communities served.

"Long Range Plan": The component of the system plan of service which details the program for system headquarters operations and for the development of the library system over a three to five year period of time and which states the assessed needs of programs the system will meet and which sets forth the programs, goals, objectives, and strategies designed to meet those needs.

"Management letter": A letter from an auditor accompanying a financial audit which discusses the library's accounting practices, internal controls and operating procedures.

"Non-resident": A person who resides outside the taxing area of a public library.

"Plan of Service": The system plan of service describes the specific purposes for which the system is formed and the means by which such purposes are to be accomplished. The system plan shows how the library system will achieve the objectives and standards of the Illinois Library System Act and this Part. (Section 4 of the Act)

"Public Library": A tax-supported public library established by or as a governmental unit which either is authorized to levy a tax for library purposes, or which supports the library at least in part from local tax revenues other than federal revenue sharing. Such a library is established by a city, village, incorporated town, township, county or library district under the Illinois Local Library Act (111. Rev. Stat. 19831991, ch. 81, pars. 1-0-1 et seq.) [75 ILCS 5/1-0-1 et seq.], "An Act concerning free, public libraries in villages" (111. Rev. Stat. 19831991, ch. 81, pars. 16c et seq.) [75 ILCS 40/1 et seq.], "An Act to provide for public county library service" (111. Rev. Stat. 1983, ch. 81, para. 17 et seq.), "An Act concerning free public libraries in public parks" (111. Rev. Stat. 1991, ch. 81, para. 41 et seq.) [75 ILCS 65/1], "An Act to validate certain conversions of certain village libraries to library districts" (111. Rev. Stat. 19831991, ch. 81, para. 27-32) [75 ILCS 45/1], "An Act to enable library associations to sell and transfer their real and personal property" (111. Rev. Stat. 19831991, ch. 81, pars. 28 et seq.) [75 ILCS 55/1 et seq.], and the Illinois Public Library District Act (111. Rev. Stat. 19831991, ch. 81,

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pars. 1001-1 et seq.) [75 ILCS 15/1-1 et seq.]. This definition excludes free public libraries established by villages but not supported at least in part from local tax revenues, and incorporated free public libraries not established by a governmental unit.

"Reciprocal Access": The means by which the library resources of all member libraries of a library system are made available to all constituents within the system area. These means may include some necessary and reasonable restrictions, approved by a library system board, as for example, by information, passports, interlibrary loans, photocopy service, reference service, use on site and courtesy cards.

"Reciprocal Borrowing": The right of a person holding a valid library registration card from a public library or a library system, to borrow directly from all the public libraries which are members of the library system without using interlibrary loan mechanisms.

"School Library": The library or libraries of an elementary and/or secondary school district, or private elementary and/or secondary schools under a single governing authority.

"Should": Recommended, not mandatory action.

"Special Library": The library of, or under, the governing authority of any body or institution not defined elsewhere in this Part.

"State Institutions": Penal institutions, reformatories, residential training schools, orphanages, hospitals, residential schools for the physically handicapped operated or substantially supported by the State of Illinois.

"State Librarian": The Secretary of State of Illinois.

"System Administrative Headquarters": The system administrative headquarters refers to the facility which is identified by the system as its administrative headquarters.

"System Service Area": The system service area refers to the land area within the geographic boundaries of a library system.

(Source: Emergency amendment at 17 Ill. Reg. 9725 _____, effective June 11, 1993 for a maximum of 150 days.)

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Section 3030.105 State Grants
EMERGENCY

- a) Application for Annual Per Capita and Area Grants shall be made to the State Librarian on or before May 1 of each year and shall consist of the following:
 - 1) An annually updated plan of service.
 - 2) The system's annual report for the preceding fiscal year.
 - 3) The system's budget for the current fiscal year, and
 - 4) An estimate of receipts and expenditures for the ensuing fiscal year.
- b) Application for Annual Grants to Systems Providing Services to Residents of State Institutions shall be made to the State Librarian on or before May 1 of each year and shall consist of:
 - 1) A budget and a description of services to be offered.
 - 2) A statement from the chief administrative officer of each institution served that the proposed library services are acceptable.
- c) Application for Annual Grants to no more than six Systems Providing Administrative and Support Services to Libraries and Radio Information Services shall be made to the State Librarian on or before May 1 of each year and shall consist of a budget and a description of services to be offered. The State Librarian shall be notified of any change in the budget.
- d) To be eligible for a per capita grant, a public library shall show that it will either meet or show progress toward meeting the Illinois Library Standards, as most recently adopted by the Illinois Library Association, by raising or improving its performance levels in relation to the standards, when such levels are below the standards, according to objectives, time frames, and priorities which the library shall state in its application for a grant, and which it shall also state are consistent with the tone of the plan of service of the system of which it is a member. (Section 8.1(C) of the Act)
- e) Application for annual equalization grants and per capita grants to public libraries shall be made prior to September 15 of each year. (Section 8 of the Act)
- f) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in Subsection (d) above. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accord with Section 8.1 of the Act shall result in ineligibility for future grants for a period of one year.

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- g) To qualify for annual grants to Research and Reference Centers each center shall contract annually with the State Librarian. (Section 8 of the Act)
 - 1) The terms for apportionment of the grant funding.
 - 2) Services to be performed, and
 - 3) Adherence to the Research and Reference Center Committee's Rules for making their collections available to the residents of the state and the established long range cooperative acquisitions policies to strengthen the existing collections, and to avoid unnecessary duplication. (Section 12 of the Act)
- h) The Research and Reference Center Committee shall be July 1 of each year file with the State Library for attachment to Research and Reference Center contracts:
 - 1) A current copy of the Committee's "Long Range Acquisitions Policy," and
 - 2) A current copy of their "Rules for Accessing Research and Reference Center Collections."
- i) To qualify for an annual grant to the Illinois Regional Library for the Blind and Physically Handicapped, the applicant shall jointly contract with the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped for each purpose. This contract shall be submitted annually with a contract document. The State Library which shall include a long range program and budget in accordance with Section 3030.65 of this part.
- j) School District Library Grant Program
 - 1) Pursuant to Section 8.4 of the Illinois Library System Act (111. Rev. Stat., 1989-1991, ch. 81, par. 118.4) 125 ILCS 10/8.4), there is established by these rules the application procedures for school district library grants. The application for annual school grants shall be made between October 1 and prior to December 1 of each year starting in 1990. It shall be signed by the superintendent of schools for the school district. It shall be submitted to the Illinois State Library. It shall consist of:
 - A) A description and verification of the school board's review, as effected in the minutes of a school board meeting, of the school library standards ("Recommended Standards for Educational Library Media Programs in Illinois, adopted in 1986") as most recently adopted by the Illinois Library Association;
 - B) A report on the use of the previous year's grant, if a grant was received, which shall show how said grant was used; to include an evaluation detailing the effect of the program in overall district-wide school library

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media program improvement and progress towards or compliance with school library media standards, for which a statement in the proposed plan of the grant for which application is being made will show how grant funds will be used to further the purposes in the Act. These grants may not be used for construction of a new library.

D) The following specific information:

- i) the official name and complete address of the school district;
- ii) the name of the library system of which the district is a member or to which it has applied for membership;
- iii) the name or names and type of attendance unit in which the library or libraries are located;
- iv) the number of students served by the library or libraries;
- v) the name of the librarian;
- vi) the number of hours per week the library is open;
- vii) the number of hours per week the librarian is available in the library as the librarian and percentage such hours are of the library's total hours worked;
- viii) the dates of the library's fiscal year, the Illinois legislative district(s) in the library's taxing area, and;
- ix) the library's federal employers identification number (FEIN).

E) A statement from the superintendent of the total funds expended for the qualifying library or libraries in the year prior to the year for which funds are applied for, and total funds budgeted for the current school year;

F) Evidence that the fiscal year's grant funds, if received, were expended prior to June 30 of that fiscal year and expended prior to September 1 of the calendar year in which the fiscal ended;

G) Certification by the director of the library system of which the school district is a member that the intended use of the grant is in keeping with the terms of the system's plan of service. If the school district is not a member of the library system, the system shall provide a statement that the district has applied for system membership and that the intended use of the grant is in keeping with the terms of the system's plan of service; and

H) Subsequent to approval of an application by the Illinois State Library, the Illinois State Board of Education will acknowledge receipt of evidence that the

requirements of Section 8.4(4) and 8.4(5) of the Illinois Library System Act have been met.

- 3) Upon receipt of the application and review of it by the Illinois State Library staff, it will be approved for funding within 90 days after submission of the application if the criteria are met, as set forth in this Section and Section 8.4 of the Illinois Library System Act, and application was completed fully and with accurate information.

(Source: Emergency amendment at 17 Ill. Reg. — 9725 effective June 11, 1993 for a maximum of 150 days.)

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Program Content and Guidelines for Division of Specialized Care for Children.
- 2) Code Citation: 89 Ill. Adm. Code 1200
- 3) Section Numbers:

1200.30	<u>Emergency Action:</u>
1200.50	Amendments
1200.70	Amendments
1200.70	Amendments
1200.70	Amendments
- 4) Statutory Authority: Implementing Section 1 of 'AN ACT enabling the University of Illinois to qualify for funds and aid in relation to the administration of the Division of Specialized Care for Children' (Ill. Rev. Stat. 1991, ch. 144, par. 67.1) [110 ILCS 345/1] and authorized by Section 1 of 'AN ACT to provide for the organization and maintenance of the University of Illinois' (Ill. Rev. Stat. 1991, ch. 144, par. 22) [110 ILCS 305/1].

- 5) Effective Date of Amendments: July 1, 1993

- 6) If emergency amendment is to expire before the end of the 150-day period, please specify date on which it is to expire: N/A

- 7) Date Filed in Agency's Principal Office: June 25, 1993

- 8) Reason for Emergency: Due to budgetary constraints for Fiscal Year 1994 the Division must scale down some services and alter some eligibility guidelines in an effort to offset escalating health care costs.

- 9) A Complete Description of the Subjects and Issues Involved:

- a) Change in age requirement for treatment services from 21 years of age to 18 years of age.
- b) Adjusted the Income Scale to reflect 56% of gross median income instead of 65%.
- c) Deleted Illinois Comprehensive Health Insurance Program (CHIP) from the listing of third party payers which deems DSCC as the payer of last resort.
- d) Allows the Director to establish maximum dollar amounts for payment of authorized services per fiscal year including physician services.

- 10) Are there any proposed amendments to this Part pending? No

- 11) Statement of Statewide Policy Objectives: Not applicable.

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- 12) Information and questions regarding this amendment shall be directed to:
Robert F. Bieri, M.D., M.P.H., Director
Division of Specialized Care for Children
P.O. Box 19481
Springfield, IL 62794-9481
(217) 793-2340

The full text of the emergency amendments begins on the next page:

School of Law

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS
NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER X: THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS
PART 1200
PROGRAM CONTENT AND GUIDELINES
FOR
DIVISION OF SPECIALIZED CARE FOR CHILDREN

Section
1200.10 Purpose and Description
1200.20 Definitions
1200.30 Eligibility: General

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1200.40 Medical Eligibility
1200.50 Financial Eligibility

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1200.60 Appeal Process
1200.70 Payment for Services

EMERGENCY

1200.80 Availability of Services
1200.90 Rates of Payment
1200.100 Standards for Health Care Professionals
1200.110 Standards for Health Care Facilities
1200.120 Records
1200.130 Reports
Income Scale

APPENDIX A
EMERGENCY

APPENDIX B

Payment Scale

AUTHORITY: Implementing Section 1 of the Specialized Care for Children Act (Ill. Rev. Stat. 1981, ch. 144, par. 67.1) [10 ILCS 345/1] and authorized by Section 1 of the University of Illinois Act (Ill. Rev. Stat. 1991, ch. 144, par. 22) [10 ILCS 305/1].

SOURCE: Adopted at 11 Ill. Reg. 3508, effective February 10, 1987; amended at 13 Ill. Reg. 9283, effective June 6, 1989; amended at 14 Ill. Reg. 5136, effective March 22, 1990; amended at 17 Ill. Reg. 1137, effective March 8, 1993; Emergency amendment at 17 Ill. Reg. 9735, effective July 1, 1993 for a maximum of 150 days.

Section 1200.30 Eligibility: General

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a) Program Purpose

The purpose of the Illinois Division of Specialized Care for Children is to provide diagnostic and treatment services for children who are disabled as a result of congenital and/or acquired states or have a condition which may lead to disability. The objective is to provide a program of comprehensive evaluation, medical care and related rehabilitative services appropriate to their various needs and to financially support such care to the extent that their Legally Responsible Adults (LRAs) require such financial assistance as determined by the Financial Eligibility Criteria (Section 1200.50 of this Part). Children who are eligible for Programmatic Assistance only will be served without regard to a financial means test. Due to financial limitations, DSCC will only provide assistance to children with certain categories of disabling conditions as defined in Section 1200.40 of this Part.

b) Eligibility Criteria for Diagnostic Services

1) Initial diagnostic services are provided without regard to ability to pay to the extent medically necessary applying usual and customary medical standards to determine whether the child has one of the conditions enumerated in Section 1200.40, Medically Eligible Conditions. Whenever eligibility or ineligibility is established based upon an interview with the child or the LRA, which occurs when a diagnosis has already been established, DSCC shall not be required to provide further initial medical diagnostic services.

2) Children may be but need not be referred for said services by an individual or agency.

c) Eligibility Criteria for Other DSCC Services

1) Programmatic Assistance

To be eligible for Programmatic Assistance a child must meet the following requirements:

A) Be under 21 years of age; (except that DSCC shall provide services beyond the child's 21st birthday when necessary to complete a treatment plan developed before that time if cessation of treatment would cause an immediate threat to or damage to the child's life or good health or would negate gains resulting from previous rehabilitative efforts. In no event may said extension continue beyond six months after the child's 21st birthday);

B) Be a Resident of Illinois;

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- C) Have a Medically Eligible Condition.
- 2) Treatment Services and Financial Support

It is recognized that it is the duty and responsibility of the LRAs to pay for necessary health care services for their children. DSCC will assist the LRA with this responsibility for each child meeting the criteria of this subsection by providing treatment services and financial assistance, provided the LRAs are Residents of Illinois, and provided the child:

A) Be under 18 years of age (except that DSCC shall provide Services beyond the child's 18th birthday when necessary to complete a treatment plan developed before that time if cessation of treatment would cause an immediate threat to or damage to the child's life or good health or would negate gains resulting from previous rehabilitative efforts. In no event may said extension continue beyond six months after the child's 18th birthday);

B) Be a Resident of Illinois;

C) Have a Medically Eligible Condition; and in addition,

D) The LRAs are lawfully admitted to the United States on a visa or permit which contemplates that the LRA will be entitled to permanently remain in the United States or has been admitted under color of law; or

E) The child afordescribed is a United States citizen.

3) In addition, whenever payment for treatment services or financial support is desired, the LRA must:

- A) Meet the financial eligibility criteria set forth at Section 1200.50 of this Part;
- B) Make maximum use of insurance benefits, if any, as well as any other form of payment, (such as trust funds, gifts, or fund raising drives) available for the child and/or make the payments toward the support of the child's treatment as are determined by his or her FPA;
- C) Sign a Reimbursement Agreement, if the injuries for which treatment is sought were caused by any alleged negligent act (including products liability) and litigation is pending or contemplated.

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- D) Further, any attorney retained to represent the child on any claim relating to the child's medical condition for which DSCC will provide care must separately sign the Reimbursement Agreement. Failure to comply with this requirement will not, however, delay or hinder the application process.

d) Application Process: Initial and Continuing Eligibility

1) No person participating in or wishing to participate in the Division's programs shall be denied benefits of the program or shall be discriminated against on the basis of sex, religion, race, color, national origin or handicap not related to program eligibility.

2) General responsibilities of Applicants, Recipient Children, and LRAs:

- A) Applicants/Recipients and LRAs requesting assistance shall furnish requested factual information regarding eligibility and shall keep DSCC informed of any changes in financial status (defined as any change in financial circumstances which would affect financial eligibility for DSCC benefits as set forth in Section 1200.50 including, but not limited to changes in family size, income, or expenses).
- B) The application process requires consent by the LRA(s) to release or to verify medical data and financial information provided as a part of the application process.
- 3) An LRA shall complete and sign a written application on behalf of the Applicant on forms specified by DSCC. DSCC shall inform the Applicant of all relevant time deadlines with respect to filing of an application and appealing any adverse decision. An LRA may choose a person to assist in completing the application. A representative of a public agency may complete and sign the application for a child in that agency's custody. A representative of a private agency may complete and sign the application for a child if he/she is the authorized guardian for the child.
- 4) A completed application must be submitted to DSCC within the following time periods:
 - A) In all cases, a completed application for initial eligibility must be received by DSCC within thirty (30) days from the date of services for which assistance is desired. Applications not received within said 30 day period shall be processed for reimbursement of treatment services provided no more than 30 days prior to the actual date of receipt. This time period shall be adjusted by DSCC for good cause if DSCC is notified of the circumstances within the 30 day time period (for purposes of this clause,

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"good cause" shall include, but shall not be limited to, a family emergency, demonstrated delays caused by the U.S. Postal Service, and demonstrated delays caused by the Internal Revenue Service in providing a copy of an income tax return.

- B) Applications for continuing financial eligibility must be received by DSCC within the current period of eligibility. If an application is received after said eligibility time period, continuing eligibility shall recommence no more than thirty (30) days prior to the date the application is actually received by DSCC.
- 5) If financial support is desired, the LRA shall complete and sign a financial application on behalf of the Applicant on forms specified by DSCC, which shall be submitted within the time periods specified in Section 1200.30(d)(4).
- A) Such statement shall include a copy of the LRA's most recent filed federal income tax return. If an LRA is not required to file with the Internal Revenue Service, verification of income must be submitted.
- B) DSCC shall accept other supporting documents from the LRA to verify level of income if DSCC determines that the documents provided prove the information sought and if the LRA has demonstrated diligence in attempting to obtain federal tax returns or pay stubs but has been unsuccessful in doing so.
- C) DSCC shall accept supporting documentation from the LRA that reflects financial eligibility for services being provided by or reimbursed by the Illinois Department of Public Aid (IDPA) or any other state agency using criteria the same as or more stringent than DSCC.
- 6) If financial support is not desired, no financial application is required. Applicants with a Medically Eligible Condition who either do not desire or do not qualify for DSCC financial support shall be eligible for Programmatic Assistance.
- 7) Determination of eligibility is performed at the regional offices. (See 2 Ill. Adm. Code 5155, Appendix A.)
 - A) The DSCC staff shall verify the information provided on behalf of the Applicant. This may include discussion, including an interview with the LRA, if the application is not complete. The interview shall be conducted at a place and time convenient to all parties.

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- B) If supplemental information required by DSCC to determine eligibility is not provided within thirty (30) days after the LRA receives notice of a requirement that said information is needed to complete this application, DSCC shall then advise the LRA that the application will be invalidated and not given further consideration unless the LRA was precluded, due to causes beyond his/her control, from providing the information required.
- C) A written decision regarding eligibility shall be sent to the LRA and any referring medical care provider or referring agency within thirty (30) days of receipt of the completed application unless the emergent nature of the child's condition requires a decision in a more timely fashion.

(Source: Emergency amendment at 17 Ill. Reg. 9735 effective July 1, 1993 for a maximum of 150 days.)

Section 1200.50 Financial Eligibility
EMERGENCY

- a) The LRA has an obligation to meet the cost of medical care for his/her Recipient Child to the extent they are able. Full or partial financial assistance, in the form described in Section 1200.90 of this Part, is provided to LRAs who are unable to meet such expenses from their own resources as established through a Financial Need Determination performed pursuant to criteria established in Section 1200.50(c) and (d).
- b) Exceptions to Financial Need Determination
 - 1) DSCC provides diagnostic services necessary to determine medical eligibility without regard to the economic status of an Applicant's LRAs.
 - 2) Financial information is not required from LRAs when:
 - A) medical eligibility is uncertain;
 - B) no expenditure of DSCC funds is anticipated;
 - C) the child is a ward of the state agency which is financially responsible for the child's medical care;
 - D) the child has been determined eligible for services being provided by or reimbursed by a state agency using criteria the same as, or more stringent than, DSCC.

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c) Criteria for Financial Assistance

- 1) Financial eligibility is based upon the financial status of the LRA requesting financial assistance.
- 2) The Income Scale (Appendix A) and the Payment Scale (Appendix B) are used to determine financial eligibility. The Income Scale represents 65%-59% of the gross median family income adjusted for family size as developed for the State of Illinois by the U.S. Department of Health and Human Services, Family Support Administration under the provisions of Section 2603(7) of Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35). Although this scale is derived from gross income figures, for purposes of financial eligibility, a family is placed on the scale according to its Adjusted Family Income and family size.
- 3) Full financial assistance is provided when the Adjusted Family Income considering family size is equal to or less than that which is allowable in accordance with the Income Scale. The LRA and attorney must submit a Reimbursement Agreement, if applicable, as provided in Section 1200.30(c)(3)(C).
- 4) Partial financial assistance is provided when the Adjusted Family Income considering family size exceeds the amount allowable on the Income Scale, subject to the following conditions:
 - A) A determination that the annual family payment as established in the Payment Scale is less than the anticipated cost of services for the proposed period of eligibility;
 - B) Completion of a Financial Participation Agreement (FPA) by the LRA. An FPA will be required whenever the LRA of a Recipient Child is eligible for partial financial assistance. The FPA shall be signed and returned to DSCC within thirty (30) days of its receipt by the LRA.
 - i) The FPA obligates an LRA to pay for DSCC approved care for the Recipient Child. The amount will be equal to the annual family payment described by the Payment Scale. DSCC will use this money to pay for the child's direct and related care.
 - ii) The FPA shall cover all Recipient Children in one family.
 - C) Submission of a Reimbursement Agreement by the LRAs and attorney(s), as provided in Section 1200.30(c)(3)(C), if applicable.

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- D) Adjustments to the annual family payment shall be made by DSCC if there is evidence in the application or through additional information that indicates the LRA has the ability to assume cost-sharing beyond the amount previously indicated based upon application of the financial eligibility criteria in this Section 1200.50.
- 5) The LRA shall be determined ineligible for financial assistance from DSCC when:
 - A) It is determined that the Adjusted Family Income is in excess of \$10,499 of that which is allowable in accordance with Appendix A, the Income Scale.
 - B) An LRA has failed within the time periods established in Section 1200.30(d) to provide sufficient information to determine eligibility. In such instances, eligibility shall commence 30 days prior to the postmark date or, if unavailable, the date of receipt of such information necessary to establish eligibility.
 - C) An LRA has failed within the time period established in Section 1200.30(d) to complete and sign the application (including the financial application), the Reimbursement Agreement (Section 1200.30(c)(3)(C)), if applicable, and an FPA, if applicable (Section 1200.50(c)). In such instances, eligibility shall commence 30 days prior to the postmark date or, if unavailable, the date of receipt of the signed application, and/or Reimbursement Agreement, and/or FPA.
 - D) The family is fully enrolled in the Illinois Comprehensive Health Insurance Program or a Health Maintenance Organization (HMO) which has responsibility for provision of medical care for the Applicant or Recipient Child. However, families with HMO coverage are eligible for financial assistance to the extent that the HMO has no responsibility for such care.
- E) In addition, the LRAs shall lose their financial assistance if:
 - i) Medical insurance payments or other forms of payment available or paid directly to the LRA to meet the cost of care for the Recipient Child have not been applied to the cost of care arranged, authorized, and paid by DSCC for that child. In such instances, the LRA may reapply for assistance upon repayment to DSCC of an amount equal to the medical insurance payments made available but not applied toward the child's cost of care.

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- ii) An LRA has not complied with the payment schedule established in the FPA with DSCC. In such instances, the LRA may reapply for assistance once the required payment has been made to DSCC.
- iii) An LRA fails to notify DSCC within thirty (30) days of any change in the child's medical insurance which results in medical coverage for costs which are currently paid for by DSCC.
- iv) It is determined that the LRA has in any way falsified documents used to determine eligibility.

- 6) LRAs determined to be wholly or partially ineligible shall be advised of the right to appeal the determination in accordance with the procedures as set forth in Section 1200.60.

7) Period of Financial Eligibility

- A) Financial eligibility shall be established for a period of up to twenty-four (24) months commencing no sooner than thirty (30) days prior to the date a completed application is received by DSCC if applicants are able to provide current federal tax information. For purposes of this Section, current federal tax information shall be defined as the tax information for the calendar year prior to the year of application; or
- B) Financial eligibility shall be established for a period of up to twelve (12) months commencing no sooner than thirty (30) days prior to the date a completed application is received by DSCC under the following circumstances:

- i) Applicants able to provide federal tax information not older than one (1) year prior to the current federal tax information.
- ii) Applicants not required to file federal income tax forms as defined by the federal Internal Revenue Service. Income must be verified using two (2) consecutive pay stubs that are within two (2) months of application.
- iii) Applicants determined to have a Financial Participation Agreement.
- iv) Applicants determined financially eligible on the basis of eligibility for services being provided by or reimbursed by the Illinois Department of Public Aid (IDPA) or any other state agency using criteria the same as or more stringent than DSCC.
- C) When more than one child in a family is eligible for financial assistance, the period of eligibility for all eligible children will be for the same period.

- D) Financial eligibility shall be redetermined subject to the date established at subsection 7)(A) and (B) above.

- E) The period of financial eligibility may be less than 12 months under the following circumstances:

- i) DSCC eligibility was based upon eligibility with the Illinois Department of Public Aid (IDPA) or any other state agency and such eligibility has been cancelled. Eligibility for DSCC benefits shall be cancelled at the same time that IDPA or the other state agency eligibility is cancelled.
- ii) The Recipient Child, at the time of financial evaluation, was a ward of an agency or court because adoption had not been finalized, and the adoption is finalized. DSCC eligibility shall terminate on the effective date of the finalization of the adoption.
- iii) Supplemental information submitted pursuant to Section 1200.30(d)(2)(A) of this Part causes a change in financial eligibility.
- F) In the event that an LRA submits information, at any time, which, upon verification by DSCC, establishes that the LRA is eligible for financial assistance at a level in excess of that previously approved by DSCC, a new period of eligibility shall begin on the date said information is received by DSCC, provided that the LRA has signed a revised FPA, if one is required pursuant to subsection c)(4)(B).

d) Financial Determination Calculations

1) Family Size

- A) Family size shall be determined by the sum of the number of persons in each of the following categories when they share the same household. However, if a person falls into more than one category, that person shall be counted only once:
 - i) The Applicant or Recipient Child;
 - ii) The Applicant or Recipient Child's spouse;
 - iii) An LRA and his/her spouse;
 - iv) Other persons who, for Federal Income Tax purposes, are deemed dependents of the applying LRA.
- 2) The family's annual Total Income shall be the sum of all income of persons comprising the family unit, as determined above but excluding income of dependent children except income of the dependent Applicant or Recipient

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Child and his/her spouse. Total income shall include all income as defined by the Internal Revenue Service for federal income tax reporting purposes.

- 3) The following are allowable expenses which the family may deduct from their annual Total income in determining financial eligibility:

A) The larger of:

- i) The federal income tax Standard Deduction Rate based on the LRA's federal income tax filing status used to determine financial eligibility; or
- ii) The total itemized deductions as reported on Schedule A of the LRA's federal filed income tax return used to determine financial eligibility.

- B) Child and dependent care costs in accordance with the guidelines established by the Internal Revenue Service for federal income tax reporting purposes.

(Source: Emergency amendment at 17 Ill. Reg. 9735, effective July 1, 1993, for a maximum of 150 days.)

Section 1200.70 Payment for Services
EMERGENCY

- a) With respect to Medicaid, Medicare, ~~Illinois Comprehensive Health Insurance Program (CHIP)~~, any other medical insurance plan or policy or other third-party payers, unless prohibited by law, DSCC shall be deemed the payer of last resort. Nothing contained in these regulations shall authorize or require DSCC to provide payment for medical services, hospital services, supplies or appliances which would otherwise be paid by Medicaid, Medicare, ~~Illinois Comprehensive Health Insurance Program (CHIP)~~, any other medical insurance plan or policy or other third-party payers, including donated funds and such other funds available for medical care derived from settlement of injury claims.

- b) Payments for services are subject to the availability of funds as determined by the University of Illinois in its sole discretion.

- 1) If DSCC determines, based upon its own internal auditing and record keeping systems, at any time, that it does not have or will not have sufficient funds to provide payments for authorized services for additional Applicants, DSCC shall:

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- A) Cease accepting applications.

- B) Post notices in conspicuous places in DSCC offices and clinics and in other places where such notices are likely to be seen by Applicants. The notices shall state that DSCC is no longer accepting applications because of insufficient funds, and shall state the probable date on which DSCC shall again accept applications. Notices will also be posted in a like manner when funding again becomes available.

- C) DSCC employees shall inform clinic patients and other persons that DSCC is no longer accepting applications because of insufficient funds, and shall inform such persons of the probable date on which the Division shall again accept applications.

- D) Cease authorizing additional health care services for Recipient Children whose LRAs are eligible for DSCC financial assistance.

- 2) If DSCC determines, based upon its own internal auditing and record keeping systems, at any time that it does not have or will not have sufficient funds to provide payments for authorized services for Applicants who have applied, but with respect to whom no determination of eligibility has been made, DSCC shall nevertheless finish processing those applications and determine the eligibility or ineligibility of each such Applicant and his/her LRA for use in the event that additional funds become available. In such event, the LRAs of eligible applicants shall be provided funding in the order received unless a child's life or good health is threatened in which event said child's application will be given priority.

- 3) DSCC shall make payments for authorized services in the order in which DSCC receives bills for such services.

- 4) If DSCC determines due to nonavailability of funds that it is unable to pay for an authorized service, it shall cancel the authorization and any related purchase order any time up to the point at which services have been provided. For this purpose, the authorization and related Purchase Order shall contain the following statement: "This authorization is subject to all of the various rules and procedures set forth at 89 Ill. Adm. Code 1200." In the event any authorization is cancelled pursuant to this limitation, any charges incurred for services rendered after the date of cancellation shall not be the obligation of DSCC.

- 5) Except as otherwise specifically provided herein in the event that DSCC determines that it does not or will not have sufficient funds to provide

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payments for all Applicants, present and future, as well as to make payments in behalf of all Recipient Children, it shall first cease accepting applications in accordance with subsection (1) above. If after taking such action, it is still determined that sufficient funds are not available, it shall take the actions set forth in subsection (2) above. If after taking such action, it is still determined that sufficient funds are not available, it shall take the actions set forth in subsections (3) and (4) above. In the event that the life or good health of a child is threatened if a procedure is not performed, DSCC shall give funding such procedure priority over other procedures not posing such threat.

c) The Director shall establish a maximum dollar amounts for payment of authorized non-physician services per fiscal year which shall be applied to each child. DSCC shall provide notice of the limit to all Recipients and Health Care Facilities who may be affected.

d) By accepting a DSCC authorization, the Health Care Provider agrees not to seek further payment from the patient or the patient's family for such authorized services beyond the amounts available from insurance, DSCC, Medicare, or Medicaid. In those cases where DSCC has notified the Provider that money is no longer available from DSCC, the Provider shall not be so restricted.

e) Insurance

1) Maximum insurance benefits must be used. The LRA is responsible for complying with insurance contract provisions required to maximize the level of insurance benefits.

2) Payment for authorized services for children with insurance benefits shall not be made until insurance has paid or rejected the claim. Subject to all the limits on benefits as contained in these Rules, DSCC will pay the cost of all required services above that reimbursed by insurance up to an established rate of payment. The Director shall approve payment for authorized services prior to settlement of the insurance claims if such is necessary to avoid undue suffering or to preserve life and good health, and if immediate payment will cause DSCC funds to be utilized in the most efficient and effective fashion, all as determined based on usual and customary medical standards.

3) The family shall notify DSCC within thirty (30) days of any change in the child's medical insurance coverage which results in coverage of costs which are currently paid for by DSCC.

f) DSCC will not provide reimbursement for minor occasional costs of a Recipient Child's treatment. For purposes of this clause "minor costs" shall be defined as

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charges for supplies, equipment, replacement parts, repair and replacement of equipment, and drugs less than \$25 each. "Occasional costs" shall be defined as costs occurring less frequently than once per month. In the event that minor costs are not occasional, they may be aggregated by the LRA and will be authorized by DSCC.

g) Submittal of Claims

1) In order to be eligible for payment consideration, a provider's/vendor's payment claim or bill, either initial or resubmittal following prior rejection, must be received by DSCC no later than nine (9) months from the date on which medical services, appliances or supplies are provided. This includes third party payment or denial information.

2) Claims which are not submitted and received by DSCC in compliance with the requirements of subsection (g)(1) will not be eligible for payment under DSCC's medical program. DSCC and the patient or patient's family or guardian shall have no liability for any payment thereof.

(Source: Emergency amendment at 17 Ill. Reg. 7735, effective July 1, 1993 for a maximum of 150 days.)

NOTICE OF EMERGENCY AMENDMENTS

Section 1200.APPENDIX A Income Scale
EMERGENCY

Size of Household	Income Scale	Income* (FY 93)
1		\$ 14,900
2		19,500
3		24,100
4		28,700
5		33,300
6		37,900
7		42,500
8		47,100
9		51,700
10		56,300
11		60,900
12		65,500

This table is based upon 65% 58% of the gross median family income adjusted for family size as developed for the State of Illinois by the U.S. Department of Health and Human Services, using the Federal Register's updated table for gross median family income (57 Fed. Reg. 66614). In order to find 65%-58% of state median income for households with greater than 12 members, perform the following calculation:

- 1) Begin with 150%;
- 2) Add 3 percentage points for each additional family member;
- 3) Multiply figure obtained at step (2) by $26,700 \div 25,600$ (i.e., the 4 person household amount);
- 4) Round the figure obtained at step (3) to the nearest \$100.

*Allowable Adjusted Family Income which results in full financial assistance.

(Source: Emergency amendment at 17 Ill. Reg. 9735, effective July 1, 1993, for a maximum of 150 days.)

NOTICE OF WITHDRAWAL OF PROPOSED RULES

- | | | | | | |
|----|--|---------|----------------|-----|--|
| 1) | The Heading of the Part; Policy and Procedures Manual for Fire Protection Personnel. | 41 | III. Adm. Code | 140 | |
| 2) | Code Citation: | 41 | III. Adm. Code | 140 | |
| 3) | Section Numbers: | 140.8 | Action: | | |
| | | 140.12 | Withdrawal | | |
| | | 140.18 | Withdrawal | | |
| | | 140.12 | Withdrawal | | |
| | | 140.18 | Withdrawal | | |
| | | 140.40 | Withdrawal | | |
| | | 140.50 | Withdrawal | | |
| | | 140.55 | Withdrawal | | |
| | | 140.60 | Withdrawal | | |
| | | 140.65 | Withdrawal | | |
| | | 140.70 | Withdrawal | | |
| | | 140.80 | Withdrawal | | |
| | | 140.90 | Withdrawal | | |
| | | 140.130 | Withdrawal | | |
| | | 140.140 | Withdrawal | | |
| | | 140.150 | Withdrawal | | |
| | | 140.160 | Withdrawal | | |
| | | 140.171 | Withdrawal | | |
| | | 140.180 | Withdrawal | | |
| | | 140.185 | Withdrawal | | |
| | | 140.220 | Withdrawal | | |
| | | 140.230 | Withdrawal | | |
| | | 140.232 | Withdrawal | | |
| | | 140.234 | Withdrawal | | |
| | | 140.236 | Withdrawal | | |
| | | 140.240 | Withdrawal | | |
| | | 140.305 | Withdrawal | | |
| | | 140.310 | Withdrawal | | |
| | | 140.390 | Withdrawal | | |
| | | 140.400 | Withdrawal | | |
| | | 140.420 | Withdrawal | | |

OFFICE OF THE ILLINOIS STATE FIRE MARSHAL

NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 4) Date Notice of Proposed Rules Published in the Illinois Register:

September 18, 1992
(Issue Date) 16 Ill. Reg. 14012

- 5) Reason for the Withdrawal: Due to the number of comments and changes in editions to various standards that are referenced in the rules the changes between the First Notice Version and the any Second Notice version would be in excess of what notice was given in the First Notice. The Office of the State Fire Marshal believed that giving interested parties an additional opportunity to comment on the rules with the changes would be in the best interest of the regulated community. Some funding areas will be addressed with an emergency rule making for units of local governments which relied upon this proposal in determining reimbursable training hours. The Office of the State Fire Marshal will propose new rules governing the changes in programmatic areas for this program in the near future.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 9, 1993 through June 15, 1993, and have been scheduled for review by the Committee at its July 20, 1993 meeting. Other items not obtained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/26/93	Department of Professional Regulation, Public Accounting Act (Professional Conduct) (68 Ill Adm Code 1430)	4/2/93 17 Ill Reg 4141	7/20/93
7/26/93	Department of Conservation, Dog Training and Department-Owned or -Managed Sites (17 Ill Adm Code 350)	4/23/93 17 Ill Reg 6390	7/20/93
7/26/93	Department of Central Management Services, Standard Procurement (44 Ill Adm Code 1)	4/2/93 17 Ill Reg 3926	7/20/93
7/26/93	Department of Transportation, Disadvantaged, Minority and Woman-Owned Businesses (92 Ill Adm Code 10)	4/23/93 17 Ill Reg 6418	7/20/93
7/26/93	Department of Agriculture, Swine Disease Control and Eradication Act (8 Ill Adm Code 105)	4/23/93 17 Ill Reg 6377	7/20/93
7/26/93	Department of Agriculture, Illinois Pseudorabies Control Act (8 Ill Adm Code 115)	4/23/93 17 Ill Reg 6373	7/20/93
7/26/93	Illinois State/Local Labor Relations Board, Representation Proceedings (80 Ill Adm Code 1210)	3/26/93 17 Ill Reg 3734	7/20/93
7/26/93	Illinois State/Local Labor Relations Board, General Procedures (80 Ill Adm Code 1200)	3/26/93 17 Ill Reg 3703	7/20/93

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(Page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/26/93	Illinois State/Local Labor Relations Board, Unfair Labor Practice Proceedings (80 Ill Adm Code 1220)	3/26/93 17 Ill Reg 3755	7/20/93
7/26/93	Illinois State/Local Labor Relations Board, Impasse Resolution (80 Ill Adm Code 1230)	3/26/93 17 Ill Reg 3718	7/20/93
7/28/93	Department of Public Aid, Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill Adm Code 147)	4/9/93 17 Ill Reg 5471	7/20/93

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of the Part: Hearings Before the Commissioner of Banks and Trust Companies
- 2) Code Citation: 38 Ill. Adm. Code 392
- 3) Sections: 392.130; 392.190; 392.200
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
392.130	Sec. 12	Sec. 10-40
392.190	Sec. 12	Sec. 10-40
392.200	Sec. 11	Sec. 10-35

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of the Part: Hearings for Removal of Directors, Officers, Employees or Agents of a State Bank
- 2) Code Citation: 38 Ill. Adm. Code 900
- 3) Sections: 900.130; 900.200; 900.210
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
900.130	Sec. 12	Sec. 10-40
900.200	Sec. 12	Sec. 10-40
900.210	Sec. 11	Sec. 10-35

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of the Part: Loan Agreements Providing for a Bank to Share in Profits, Income or Earnings
- 2) Code Citation: 38 Ill. Adm. Code 350
- 3) Sections: 350.60
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
350.60	Sec. 9(a)	Sec. 5-150(a)

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of the Part: Powers Incidental and Germane to Carrying on a General Banking Business

- 2) Code Citation: 38 Ill. Adm. Code 320

- 3) Sections: 320.40

- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.

- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
320.40	Sec. 9(a)	Sec. 5-150(a)

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

ILLINOIS REGISTER

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE PURSUANT TO PA 87-823

- 1) Heading of the Part: Public Information, Rulemaking and Organization

- 2) Code Citation: 2 Ill Adm Code 5200

- 3) Sections: Authority Note; 5200.120; 5200.200

- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.

- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedures Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	Sec. 4.01	Sec. 5-15
5200.120	Para. 1004.01	Par. 1005-15
5200.200	Para. 1001	Para. 1001-1
	Sec. 4.01	Sec. 5-15
	Para. 1004.01	Para. 1005-15

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

NOTICE PURSUANT TO P.A. 87-823

1) Heading of the Part: COMMERCIAL DRIVER TRAINING SCHOOLS2) Code Citation: 92 Ill. Adm. Code 10603) Sections: Source Note

4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001) [5 ILCS 100/1-1] amended pursuant to P.A. 87-823, effective July 1, 1992 requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.

5) Pursuant to Section 5-155 the following changes in the above named rules are made:

Section/ Subsection Number	TAPA Citation Conversions: Existing Cite	New Cite
Source Note	Par. 1007(e)	5 ILCS 100/5-80

These changes have been made to the Rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the Rule not the date on which it became effective.

PROCLAMATION

93-147

DISASTER AREAS - ALEXANDER, MASSAC,
POPE AND PULASKI COUNTIES

A series of severe thunderstorms with damaging winds and torrential rains occurred in the southernmost counties of the State in the early morning of June 4, 1993. The storms uprooted trees across the four-county area causing disruptions to the electric utilities and accessibility along the streets and roads from the fallen limbs, branches, entire trees and other debris.

In the interest of aiding those counties affected by the adverse weather and minimizing the threat to public health, safety and welfare of our citizens, I hereby declare Alexander, Massac, Pope and Pulaski counties to be State Disaster Areas, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will allow the Illinois Emergency Management Agency to coordinate the response and recovery assistance of the State agencies and volunteer resources to supplement the local governments' efforts in debris removal; and provide for the reassessment of real and personal property substantially damaged by the storm.

Issued by the Governor June 7, 1993.
Filed with the Secretary of State June 7, 1993.

93-148
DISASTER AREAS - COOK
AND DU PAGE COUNTIES

A Series of severe thunderstorms with damaging winds, hail and torrential rains moved through northeastern Illinois on June 7 and again on June 8 causing severe flooding and extensive damage to homes and businesses. The intensity of the storms also caused serious disruptions to transportation networks and public utilities.

In the interest of aiding those counties affected by the adverse weather and minimizing the threat to the public health, safety and welfare of our citizens, I hereby declare Cook and DuPage counties to be State of Illinois Disaster Areas, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the response and recovery assistance of other State agencies and volunteer resources; in supplementing the local government efforts; and in providing for the reassessment of real and personal property

substantially damaged by the storm. This declaration will also make possible any requests for Federal disaster assistance.

Issued by the Governor June 8, 1993.
Filed with the Secretary of State June 8, 1993.

93-149

**GREAT LAKES NAVAL TRAINING CENTER
SHOULD BE RETAINED AND FULLY UTILIZED**

Whereas, the Great Lakes Naval Training Center is the most cost-effective and best-suited facility in the nation for meeting the training needs of the United States Navy now and into the 21st Century; and
Whereas, existing infrastructure at the Great Lakes location means that expansion of Naval training facilities can best be accomplished without significant environmental impact, making our installation suitable for any contingency should rapid mobilization of armed forces be required; and
Whereas, American taxpayers will see the greatest return on their defense investment by retaining and fully-utilizing this unique and costly facility already established in our state; and
Whereas, our location in the nation's heartland protects us from military attacks that can threaten coastal locations and provides military personnel easy travel from all points around the country; and

Whereas, our operational readiness, our ability to accommodate total force requirements, the rapid return on investment we can offer and the positive impact on our community are all reasons that point irrefutably toward a decision to retain Great Lakes Naval Training Center;

Therefore, I, Jim Edgar, Governor of the State of Illinois, do hereby proclaim my strong belief that the nation's security, the nation's taxpayers, and the interests of fairness will all be served if the Great Lakes Naval Training Center is retained and fully utilized; and

Be it further proclaimed, that all Illinoisans join with me in voicing our commitment to maintain the Great Lakes Naval Training Center so that it can continue its historic function of making the men and women of the Navy ready to defend freedom around the world.

Issued by the Governor May 4, 1993.
Filed with the Secretary of State June 10, 1993.

93-150

OPERATION LIFESAVER AWARENESS DAY

Whereas, the Illinois Railroad Grade Crossing Safety Council was established to reduce the number of rail/highway collisions

in Illinois; and

Whereas, it has been done so through a project called "Operation Lifesaver," a coordinated effort of federal, state, and local government agencies, civic organizations, railroads, rail labor, police organizations, and others interested in traffic and highway safety; and

Whereas, during 1992, collisions at rail/highway crossings in Illinois were reduced to an all-time low, as documented in 48 years of record keeping; and

Whereas, through education, engineering, and enforcement, this program has brought a greater awareness to all our citizens of the need for rail/highway safety; and
Whereas, May 19, 1993, has been designated as Operation Lifesaver Day, a day to observe the nation's recognition of the need to prevent rail/highway collisions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 19, 1993, as OPERATION LIFESAVER AWARENESS DAY in Illinois.

Issued by the Governor May 4, 1993.

Filed with the Secretary of State June 10, 1993.

93-151

COPERNICUS FOUNDATION DAY

Whereas, the Copernicus Foundation will hold its 13th Annual Copernican Award Dinner and Concert on Friday, May 14, at the Copernicus Cultural and Civic Center in Chicago; and

Whereas, this year's Copernican Award recipient is the president and founding father of the organization, Mitchell P. Kobelinski, who has spent 20-plus-years providing leadership and directing the growth of the Center; and

Whereas, for the past 45 years, Mr. Kobelinski has also been a tireless worker in the community, serving on many public commissions and advisory boards and supporting various charitable endeavors; and

Whereas, through his efforts and those of the many volunteers and excellent staff, the Copernicus Foundation has transformed the old Gateway Theatre into a cultural and civic center serving the Polish American community and other ethnic groups in Chicago. The Center is a major educational, recreational, and entertainment resource; and

Whereas, this is the first year the Board of Directors has chosen someone from inside the foundation for this honor. Mr. Kobelinski's selection is especially significant as the foundation began to move to a new location and drive to improve the Polish-American Cultural and Civic Center; and

Whereas, the Center and the Foundation are a source of pride to the Polish-American community.

Therefore, I, Jim Edgar, Governor of the State of Illinois,

proclaim May 14 as COPERNICUS FOUNDATION DAY in Illinois.

Issued by the Governor May 5, 1993.

Filed with the Secretary of State June 10, 1993.

93-152

AIDS AWARENESS WEEK

Whereas, Acquired Immune Deficiency Syndrome (AIDS) is a devastating disease that affects millions of people nationwide. The number of cases in Illinois has increased 42 percent during the past two years; and

Whereas, the Illinois Department of Public Health has recorded more than 11,000 cases of Human Immunodeficiency Virus (HIV) disease and nearly 8,800 cases of AIDS in Illinois. Of those, about 130 cases of HIV disease and more than 70 cases of AIDS were reported in Sangamon County; and

Whereas, education is a key component in controlling the spread of HIV, AIDS, and other sexually transmitted diseases; and

Whereas, during the week of April 16-25, the Springfield Area AIDS Task Force will be sponsoring several events to boost public awareness of these diseases, their causes, and their prevention; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 16-25, 1993, as AIDS AWARENESS WEEK in Illinois, and commend the Springfield Area AIDS Task Force for its continuing efforts to educate our citizens.

Issued by the Governor May 7, 1993.

Filed with the Secretary of State June 10, 1993.

93-153

AMERICAN INDUSTRIAL HYGIENE ASSOCIATION DAY

Whereas, the American Industrial Hygiene Association (AIHA) was founded in June 1939 as a national professional society for industrial hygienists; and

Whereas, industrial hygienists identify potential workplace health hazards, evaluate risks that may threaten the health and well-being of workers, communities, and the environment; and

Whereas, they train workers, the proper use of protective equipment, safe work practices, and legal requirements; and Whereas, using scientific methods and the latest research, industrial hygienists recommend controls and procedures to prevent future illness and injury to workers; and

Whereas, their duties also include advising and coordinating efforts between physicians, toxicologists, engineers, employees, managers, and community and government representatives; and

Whereas, through their efforts in recognizing, evaluating, and controlling occupational exposure to harmful substances, occupational health care costs are reduced and the workplace

becomes a safer, healthier environment;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 7, 1993, as AMERICAN INDUSTRIAL HYGIENE ASSOCIATION DAY in Illinois.

Issued by the Governor May 7, 1993.

Filed with the Secretary of State June 10, 1993.

93-154

CHICAGO ACADEMY FOR THE ARTS' TRIBUTE TO JULE STYNE DAY

Whereas, the 11th Annual Chicago Academy for the Arts' Spring Benefit will be held Saturday, June 12, 1993, at the Hyatt Regency Hotel in Chicago; and

Whereas, this year's event, entitled "Everything's Coming Up Jule," is a tribute to music composer Jule Styne for his contributions to the performing arts; and

Whereas, the Chicago Academy for the Arts is Illinois' only private high Illinois that combines college preparatory academics with intensive instruction in both visual and performing arts; and

Whereas, the proceeds from this event will benefit the Chicago Academy for the Arts' scholarship fund, which provides financial assistance to deserving students who might not otherwise be able to attend the school; and

Whereas, "Everything's Coming Up Jule" has been made possible by the generous and tireless efforts of co-chairs Evie Gliberman and Kathy Posner, corporate chairman Don DePorter, and all of their committee members;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 12, 1993, as CHICAGO ACADEMY FOR THE ARTS' TRIBUTE TO JULE STYNE DAY in Illinois and urge all our citizens to support this outstanding event.

Issued by the Governor May 7, 1993.

Filed with the Secretary of State June 10, 1993.

93-155

CHILDREN'S MEMORIAL DAY

Whereas, The Compassionate Friends was founded in Coventry, England in 1969 by Ronald Simon Stephens, Joe and Iris Lawley, and Joan and Bill Henderson; and

Whereas, in 1972, The Compassionate Friends was established in the United States and now has 670 chapters located throughout the country; and

Whereas, the purpose of the organization is to promote and aid parents in the positive resolution of the grief experienced upon the death of their child and to foster the physical and

emotional health of bereaved parents, siblings, and grandparents; and

Whereas, the loss of a child is particularly devastating since parents expect their children to outlive them and to become a continuation of their own lives; and

Whereas, this shattering experience is unique and complex and cannot be likened to any other personal loss; and

Whereas, bereaved parents receive understanding and comfort from members of The Compassionate Friends who have experienced the same tragedy and are thus able to serve as examples and to provide guidance through the initial anguish, thereby helping parents to begin the healing process; and

Whereas, on July 30-August 1, The Compassionate Friends will convene its 16th National Conference in Chicago; and
 Whereas, I, Jim Edgar, Governor of Illinois, proclaimed August 1, 1993, as CHILDREN'S MEMORIAL DAY in Illinois; and
 Whereas, I, Jim Edgar, Governor of Illinois, have expressed and offer heartfelt sympathy to those parents who have suffered the premature loss of a child;

Issued by the Governor May 7, 1993.

Filed with the Secretary of State June 10, 1993.

93-156

CORNELIA DE LANGE AWARENESS DAY

Whereas, Cornelia de Lange Syndrome (CdLS) is a rare birth defect which may be genetic in origin; and

Whereas, babies born with CdLS are usually of low birth weight and develop at a slow rate, both mentally and physically;

Whereas, the Cornelia de Lange Foundation is a nonprofit, family-oriented international support group founded by parents of children with CdLS; and

Whereas, the foundation seeks to ensure early and accurate diagnosis of CdLS throughout the world and to enable families, friends, and professionals to make informed decisions and plans for the affected child's present and future. The foundation provides information and support to the parents and family; and

Whereas, on May 15, the foundation will celebrate the fifth Annual Cornelia de Lange Syndrome Awareness Day. Activities are being held in cities, towns, and communities throughout the United States, Canada, and Great Britain;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15, 1993, as CORNELIA DE LANGE AWARENESS DAY in Illinois.

Issued by the Governor May 7, 1993.

Filed with the Secretary of State June 10, 1993.

93-157

MARITIME DAY

Whereas, the ports and waterways of the State of Illinois are vitally important to the state's economic health and well-being; and

Whereas, these waterways are a major factor in contributing to the import and export of goods and materials not only to and from Illinois, but to and from the nation as a whole; and
 Whereas, the men and women of the maritime industry are indispensable to the nation's economy and the distribution of products that link Illinois to world markets; and

Whereas, National Maritime Day has been observed since 1933, marking the date of the first successful Atlantic crossing by a ship using steam propulsion; and

Whereas, this day is set aside in honor of the American Merchant Marine, whose men and women served in war and peace, contributing to the waterborne commerce of our state and nation;

Whereas, the Propeller Club of the United States, with 63 member clubs throughout the country, annually takes time to celebrate this day with a variety of functions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 28, 1993, as MARITIME DAY in Illinois.

Issued by the Governor May 7, 1993.

Filed with the Secretary of State June 10, 1993.

93-158

REAL ESTATE EDUCATION WEEK

Whereas, on May 24-28, hundreds of educators who are members of the Real Estate Association (REEA) will gather in Chicago from states throughout the nation; and

Whereas, they will meet to discuss real estate educational matters of mutual interest for the betterment of the real estate education process and the protection of consumers; and

Whereas, the REEA seeks to assist its members in improving their knowledge and in rendering better service to candidates for real estate licensure; and

Whereas, REEA members coordinate their efforts with real estate commissions throughout the nation to ensure that regulatory information is updated and incorporated into lesson plans given to sales candidates; and
 Whereas, I, Jim Edgar, Governor of the State of Illinois, proclaim May 24-28, 1993, as REAL ESTATE EDUCATION WEEK in Illinois.

Issued by the Governor May 7, 1993.

Filed with the Secretary of State June 10, 1993.

93-159
SAFE KIDS AMERICA WEEK

Whereas, each year, nearly 300 Illinois children younger than age 15 die from unintentional injuries; and
Whereas, these tragic injuries, so-called "accidents," are often predictable and preventable; and

Whereas, the National SAFE KIDS Campaign promotes childhood injury prevention by uniting diverse groups into local and state coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology, and raising awareness through the media; and

Whereas, the National SAFE KIDS Campaign, with the backing of Johnson & Johnson, has launched SAFE KIDS AMERICA, an unprecedented initiative to unite forces with state and local SAFE KIDS coalitions and other childhood injury prevention activists to disseminate vital child safety information to countless homes; and

Whereas, the Illinois SAFE KIDS Coalition, coordinated by the Illinois Department of Public Health, is a cooperative effort between McDonald's, local health departments, hospitals, and other state agencies; and

Whereas, communities throughout Illinois will hold special childhood injury prevention activities during SAFE KIDS Week, May 22-29, 1993, to promote increased child safety;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 22-29, 1993, as SAFE KIDS AMERICA WEEK in Illinois and encourage all citizens to join me in supporting the efforts and activities of SAFE KIDS AMERICA to prevent childhood injuries.

Issued by the Governor May 7, 1993.

Filed with the Secretary of State June 10, 1993.

93-160
SENIOR CENTER YEAR

Whereas, one of the most dramatic changes occurring in this country is the aging of our population; and

Whereas, every segment of society is influenced by the needs, resources, and expertise of older Americans; and

Whereas, 1993 marks the 50th anniversary of senior centers in the United States. During this time, senior centers have played a vital role as service delivery focal points, helping our older citizens to help themselves and each other by offering services or access to community services as they are needed; and

Whereas, senior centers in Illinois affirm the dignity, self-worth, and independence of older people by facilitating their decisions and actions; tapping their experiences, skills, and knowledge; and enabling their continued contributions to the

community; and

Whereas, the month of May has been proclaimed Older Americans Month in Illinois and people across the state have been encouraged to give recognition to older persons and the role of senior centers in serving them;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim 1993 as SENIOR CENTER YEAR in Illinois and call upon our citizens to recognize the importance of strengthening the bonds between people of all ages and for increasing the support for senior centers to help create a brighter vision for the future.

Issued by the Governor May 7, 1993.

Filed with the Secretary of State June 10, 1993.

93-161
FLAG CELEBRATION WEEK

Whereas, the flag of the United States of America is a symbol of our country's unity, representing the State of Illinois and the other 49 states as one nation, indivisible; and
Whereas, the flag symbolizes the American ideals of justice and freedom for all, and it is to the flag that Americans pledge their allegiance; and

Whereas, the flag flies over the graves of countless Americans who gave their lives for this country. To those who served or fought for it, "Old Glory" has a special meaning; and
Whereas, for all these reasons, the flag deserves special honor, protection, and remembrance;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 7-14, 1993, as FLAG CELEBRATION WEEK in Illinois and urge Illinoisans to Beautify America--Fly our Flag.

Issued by the Governor May 12, 1993.

Filed with the Secretary of State June 10, 1993.

93-162
GATEWAY FOUNDATION DAY

Whereas, abuse of alcohol and other drugs is among our nation's foremost problems; affecting people from every ethnic and socioeconomic background; and

Whereas, Gateway Foundation is a private, nonprofit drug and alcohol abuse treatment and prevention agency, with 15 sites throughout the state. Since its inception in 1968, Gateway Foundation has earned a national reputation for its innovative and successful programs; and

Whereas, during the past year, Gateway helped more than 5,600 people recover from alcohol and drug addiction. An additional 12,000 children and adults participated in prevention programs where they learned to live sober, healthy lives; and

Whereas, on May 26 at its 18th Annual Dinner, Gateway will present its Citizen of the Year Award to Ameritech/Illinois Bell. For more than 20 years, this company and its employees have worked for, supported, and promoted Gateway Foundation and its programs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 26, 1993, as GATEWAY FOUNDATION DAY in Illinois and commend the foundation for its leadership in the drug abuse prevention and treatment field.

Issued by the Governor May 12, 1993.
Filed with the Secretary of State June 10, 1993.

93-163
GREEK HERITAGE WEEK

Whereas, Greek Heritage Week will be celebrated in Chicago May 16-22; and

Whereas, special festivities will include the Greek Spirit Celebration 1993 featuring the Evzones--the Presidential Guard of Athens, Greece--and Greek Heritage Night, as well as the annual Greek-American parade; and

Whereas, General Chairman for Greek Heritage 1993 will be Manny Giannakakos. Senator Paul Sarbanes will serve as Grand Marshal for the parade, which commemorates Greek independence and culture with a theme of "Education and Democracy: The Roots of Our Culture"; and

Whereas, the annual parade is presented by the Greek Heritage 1993 Committee of the United Hellenic American Congress, in cooperation with the Greek Orthodox Church communities and the Greek-American Organizations of the Greater Chicago metropolitan area; and

Whereas, Chicago's Greek-American community has made significant contributions to the growth and vitality of Illinois for more than 100 years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 16-22, 1993, as Greek Heritage Week in Illinois.

Issued by the Governor May 12, 1993.
Filed with the Secretary of State June 10, 1993.

93-164
ILLINOIS AGRICULTURAL YOUTH INSTITUTE DAYS

Whereas, the Illinois Agricultural Youth Institute was established thirteen years ago to encourage and educate Illinois' youth about the thriving prospects of Illinois' food and fiber industry; and

Whereas, the Illinois Agricultural Youth Institute and the Illinois Department of Agriculture are preparing young people for

the career challenges offered in the exciting and diverse field of agriculture; and

Whereas, the Illinois Agricultural Youth Institute involves 50 exceptional high school sophomore, junior, and senior students each year; and

Whereas, the Institute brings to the delegates' attentions the career opportunities, educational requirements, and the environmental needs confronting agriculture today and in the 21st century; and

Whereas, the strategic importance of our food, agricultural, and natural resource system will grow during the decade, and this will require even stronger leaders, more creative scientists, greater international business understanding, and increased sensitivity for consumers and the environment; and

Whereas, the Illinois Department of Agriculture appreciates the significance of this leadership Institute and has contributed supervisory assistance in its development;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 14-18, 1993, as ILLINOIS AGRICULTURAL YOUTH INSTITUTE DAYS in Illinois in recognition of this exceptional youth program.

Issued by the Governor May 12, 1993.
Filed with the Secretary of State June 10, 1993.

93-165
NATIONAL NURSES SOCIETY ON ADDICTIONS DAYS

Whereas, the National Nurses Society on Addictions (NNSA) was organized to promote quality nursing care for addicted patients and their families and to serve as a meeting ground for nurses interested in addictions so that they ground enhance their knowledge, advance their skills, and continue their education; and

Whereas, people with addictions are a major health care and social concern to which professional nurses must respond. Addictions affect people of all ages, cultures, and socioeconomic backgrounds and can reduce the capacity to realize life's full potential, thus diminishing society as a whole; and

Whereas, "Addictions Nursing: Forecasting Diversity for the 1990s" is the theme of the NNSA 1993 annual educational conference, which will be held September 10-11 at the Forum Hotel Chicago; and

Whereas, the conference theme reflects the many changes occurring in the field of addictions, as traditional thinking and practice are being challenged;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 10-11, 1993, as NATIONAL NURSES SOCIETY ON ADDICTIONS DAYS in Illinois. I commend its members for their commitment to health care and welcome them to Illinois.

Issued by the Governor May 12, 1993.
Filed with the Secretary of State June 10, 1993.

93-166

RELIGIOUS FREEDOM DAY

Whereas, the Virginia Statute for Religious Freedom, penned by Thomas Jefferson in 1777 and enacted into law in 1786, inspired the religious freedom guarantee that tops the list of rights ensured by the First Amendment of the Constitution; and
Whereas, the United States has experienced 207 years of healthy separation between government and religion, which has been conducive not only to religious freedom but also to peace, harmony, and coexistence of different faiths; and
Whereas, the Council for America's First Freedom, with the passage of a Resolution by Congress and a Proclamation signed by the President, established the nation's first Religious Freedom Day, January 16, 1993; and
Whereas, the goals of the Council are to educate the world regarding the significance of the Virginia Statute for Religious Freedom, to commemorate the Virginia Statute in a permanent monument, where religious freedom and freedom of conscience will be studied and celebrated, and to offer the principles of the Virginia Statute as a guide to enhancing the prospects for peace among the diverse peoples of all lands; of the State of Illinois, Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 16, 1994, as RELIGIOUS FREEDOM DAY in Illinois in conjunction with the national celebration.

Issued by the Governor May 12, 1993.
Filed with the Secretary of State June 10, 1993.

93-167

SAFETY WEEK

Whereas, the American Society of Safety Engineers (ASSE) is the world's oldest and largest safety organization. Headquartered in Des Plaines, the society has 28,000 members who provide management, supervision, and consultation for health and safety in industry, insurance, government, and education; and
Whereas, the Greater Chicago Chapter of the ASSE strives to promote the significant role of safety awareness in the well-being of all workers and citizens; and
Whereas, to educate the public on all aspects of safety in the home and the workplace, ASSE is sponsoring National Safety Week June 6-12, 1993, with the theme "Safety Pays Every Day"; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 6-12, 1993, as SAFETY WEEK in Illinois and urge citizens to take measures to maintain and increase safety in

home and the workplace.

Issued by the Governor May 12, 1993.

Filed with the Secretary of State June 10, 1993.

93-168

TURKEY LOVER'S MONTH

Whereas, turkey production makes up a significant part of the Illinois poultry industry; and
Whereas, the public's steadily increasing consumption of turkey and turkey products has contributed to well-balanced diets; and
Whereas, turkey production has meant increased markets for Illinoisian and soybean producers; and
Whereas, Illinois has recently become the home of a major international turkey breeder, providing turkey eggs of hatcheries throughout North America and the world; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1993 as TURKEY LOVER'S MONTH in Illinois and urge all our citizens to recognize the importance of the turkey industry to the overall agricultural economy and the benefits of using turkey meat as part of a well-balanced diet.

Issued by the Governor May 12, 1993.
Filed with the Secretary of State June 10, 1993.

93-169

WOMEN IN THE KNOW...EXPORT WEEK

Whereas, more than 220,000 businesses in Illinois are owned by women, placing women at the leading edge of Illinois' entrepreneurial revolution; and

Whereas, based on the increasing number and economic growth of women-owned businesses in the state, along with the establishment of a women's business advocate and special programs for women business owners, Illinois is one of the 10 most advantageous states in the nation for women who own businesses; and

Whereas, women-owned businesses are recognized as major stakeholders in and contributors to a healthy business climate; and

Whereas, although 60 percent of Illinois small businesses complete internationally, less than 8 percent of women-owned firms are actively engaged in international markets, which are considered key to long-term business survival in today's competitive global environment; and

Whereas, Illinois strives to help businesses successfully export through well-established foreign offices in Brussels, Tokyo, Hong Kong, Poland, Hungary, and Mexico; three

International Trade Centers; and the Illinois Small Business Development Center Network; and

Whereas, the Illinois Department of Commerce and Community Affairs, in partnership with the United States Small Business Administration, Ameritech International, Coopers & Lybrand, and Dun's Information Services, will provide management, market development, and financial assistance to women-owned businesses exploring global markets at the Women in the Know...Export! New Directions, New Markets Conference, May 26;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 23-29, 1993, as WOMEN IN THE KNOW...EXPORT WEEK in Illinois.

Issued by the Governor May 12, 1993.

Filed with the Secretary of State June 10, 1993.

93-170

YOUTH TEMPERANCE EDUCATION WEEK

Whereas, alcoholism is one of America's foremost drug problems, affecting both adults and children, some before they reach their teen years; and

Whereas, we need to teach our youth the facts about the negative effects of alcohol and other narcotic drugs on their physical, mental, and spiritual well-being; and

Whereas, the Illinois and National Women's Christian Temperance Union are sponsoring Youth Temperance Education Week April 25-30 to promote better living that is free from alcohol, other narcotics, and tobacco to ensure a stronger nation, happier homes, and safer highways;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25-30, 1993, as YOUTH TEMPERANCE EDUCATION WEEK in Illinois.

Issued by the Governor May 12, 1993.

Filed with the Secretary of State June 10, 1993.

93-171

ENTERPRISE ZONE WEEK

Whereas, since its inception in 1982, the State of Illinois Enterprise Zone Program has created hundreds of job opportunities and paired millions of private investments; and

Whereas, the Illinois Enterprise Zone Program represents a cost-effective alternative to funding loan and grant programs by offering supply side tax incentives and tax credits for expanding commercial and industrial bases within Enterprise Zones; and

Whereas, the Illinois Enterprise Zone Association has launched a statewide membership drive to bring the message of reinvigoration and revitalization to all 92 of the State

Enterprise Zones certified by the Department of Commerce and Community Affairs. Jim Edgar, Governor of the State of Illinois, proclaim May 17-23, 1993, as ENTERPRISE ZONE WEEK in Illinois.

Issued by the Governor May 14, 1993.

Filed with the Secretary of State June 10, 1993.

93-172

NATIONAL DEPRESSIVE AND MANIC-DEPRESSIVE ASSOCIATION WEEK

Whereas, the National Depressive and Manic-Depressive Association (National DMDA) will hold its 8th Annual Convention in Chicago at Northwestern University and the Days Inn June 25-27, 1993; and

Whereas, depressive and manic-depressive illnesses affect more than 12 million Americans a year. Many suffer needlessly because they have not been correctly diagnosed or treated; and

Whereas, the mission of the National Depressive and Manic-Depressive Association is to educate patients and their families, health professionals, and the general public concerning the nature of depressive and manic-depressive illnesses as medical diseases; to foster self-help for patients and families; to eliminate discrimination and stigma; to improve access to care; and to advocate for research toward the elimination of these illnesses; and

Whereas, the organization is currently comprised of more than 260 chapters and support groups across the country and overseas, serving more than 35,000 patients and family members. It is the only such patient-directed organization;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 20-26, 1993, as NATIONAL DEPRESSIVE AND MANIC-DEPRESSIVE ASSOCIATION WEEK in Illinois in an effort to promote recognition and awareness of these disorders.

Issued by the Governor May 14, 1993.

Filed with the Secretary of State June 10, 1993.

93-173

WILLIAM RAINY HARPER COLLEGE BOARD OF TRUSTEES ACKNOWLEDGED

Whereas, William Rainy Harper College serves the residents of Illinois Community College District 512 with a broad array of educational services including transfer education, two-year degree programs, workforce preparation, basic skills education, and continuing education; and

Whereas, William Rainy Harper College enjoys a special partnership with business, industry, and government that benefits the local economy by providing educational opportunities for both new and current employees; and

ILLINOIS REGISTER

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Whereas, various Illinois Bell locations are planning celebrations and other activities in observance of Operator Day; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 20, 1993, as ILLINOIS BELL OPERATOR DAY in Illinois in recognition of the quality service these men and women provide to our citizens.

Issued by the Governor May 19, 1993.

Filed with the Secretary of State June 10, 1993.

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93-177

KAREN CARLSON DAY

Whereas, Karen G. Carlson, principal at William H. Prescott Elementary School in Chicago, is an outstanding educator who has successfully lobbied for legislation to aid teacher planning, staff development, and curriculum changes; raised funds to establish tutoring and mentor programs; and led efforts to get \$13,000 to buy new books for her students; and

Whereas, since her arrival at Prescott in 1990, she has overcome low morale, a lack of funding, and area poverty to turn her school into a thriving community center which offers not only quality elementary classes but also space for adult education, G.E.D., and literacy classes; job training; and community activities; and

Whereas, Karen has emphasized building bridges between the home, community, and school. She has empowered teachers, parents, and community members to work together to create a quality educational system; and

Whereas, her leadership and accomplishments have been both recognized and appreciated. She has received the 1988 Governor's Crime Prevention Award; a 1992 Educator of the Year Award from Phi Delta Kappa Chapter of Northeastern Illinois University; and the 1993 Reader's Digest American Hero in Education award; and

Whereas, thanks to her commitment, Prescott was selected from more than 550 nominees as one of "America's Best Elementary Schools" by Redbook's America's Best Schools Project;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 21, 1993, as KAREN CARLSON DAY in Illinois in honor of her outstanding efforts in addressing the needs of her students.

Issued by the Governor May 19, 1993.

Filed with the Secretary of State June 10, 1993.

KAREN CARLSON DAY

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Perpetuity or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification of Rule	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RO - Request for Correction	
EC - Expedited Corrections	

*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-2786.

ABANDONED MINED LANDS RECLAMATION COUNCIL

4 III. Adm. Code 1000 Americans With Disabilities Act Grievance Procedure (A-20092/92; CC-1673)

AGING, DEPARTMENT ON

89 III. Adm. Code 240 Community Care Program (P-12251/92; A-224) (P-15203/92; A-6090)
89 III. Adm. Code 220 General Programmatic Requirements (P-883; A-3472) (E-1179)

AGRICULTURE, DEPARTMENT OF

4 III. Adm. Code 550 Americans With Disabilities Act Grievance Procedure (A-11744/92; CC-1673)
8 III. Adm. Code 65 Egg & Egg Products Act (P-527; A-5749)
8 III. Adm. Code 115 Ill. Pesticides Control Act (E-5906) (P-6373)
8 III. Adm. Code 256 Lawncare Wash Water & Residue Collection (P-14975/92; A-2189)
8 III. Adm. Code 125 Meat & Poultry Inspection Act (PP-2063)
8 III. Adm. Code 290 Standardbred & Thoroughbred Horse Breeding & Racing Programs, III. (P-8347)
8 III. Adm. Code 750 Sustainable Agriculture (P-1251; A-5965)
8 III. Adm. Code 105 Swine Disease Control & Eradication Act (E-5910) (P-6377)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF
4 III. Adm. Code 500 Americans With Disabilities Act Grievance Procedure (A-11426/92; CC-1673)
77 III. Adm. Code 2090 Subacute Alcoholism & Substance Abuse Treatment Services (P-8599)

ATTORNEY GENERAL

4 III. Adm. Code 125 Americans With Disabilities Act Grievance Procedure (P-2283/92; A-1811)

AUDITOR GENERAL

4 III. Adm. Code 1125 Americans With Disabilities Act Grievance Procedure (P-4523)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

4 III. Adm. Code 375 Americans With Disabilities Act Grievance Procedure (A-15976/92; CC-1673)

CAPITAL DEVELOPMENT BOARD

4 III. Adm. Code 725 Americans With Disabilities Act Grievance Procedure (A-11432/92; CC-1673)
71 III. Adm. Code 500 Asbestos Abatement Authority Act Procedures (P-3917)

CARNIVAL-AMUSEMENT SAFETY BOARD

56 III. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-3922)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

44 III. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-11378/92; A-1006) (P-2105) (E-2361)
80 III. Adm. Code 303 Conditions of Employment (P-19235/92; A-5587)
80 III. Adm. Code 2160 Local Government Health Plan (P-3577)
80 III. Adm. Code 302 Merit & Fitness (P-17187/92; A-3169)
80 III. Adm. Code 310 Pay Plan (P-191; C-672) (P-18379/92; A-238) (PP-498) (P-13179/92; A-590) (P-14001/92; A-1819) (P-18139/92; A-634) (P-7605)
80 III. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-2449)
44 III. Adm. Code 1 Standard Procurement (P-12808/92; A-600) (P-3926)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 III. Adm. Code 304 Access to & Eligibility for Child Welfare Services (P-7545/92; A-251)
89 III. Adm. Code 336 Appeal of Child Abuse & Neglect Investigation Findings (P-7963/92; A-1026)
89 III. Adm. Code 434 Audits, Reviews & Investigations (P-7115)
89 III. Adm. Code 330 Child Custody Investigations & Supervision Related to Custodian or Visitation Judgements (P-1259)
89 III. Adm. Code 377 Facilities & Programs Exempt from Licensure (P-7553/92; A-259)
89 III. Adm. Code 354 Facility Amusement Funds (PR-8099)
89 III. Adm. Code 402 Licensing Standards for Foster Family Homes (P-11707/92; A-267)
89 III. Adm. Code 378 Multiple Licensure (PR-7561/92; AR-272)
89 III. Adm. Code 335 Relative Home Placement (P-6681)
89 III. Adm. Code 309 Review & Appeal Process (PR-7982/92; AR-1044)
89 III. Adm. Code 337 Service Appeal Process (P-7999/92; A-1046)
89 III. Adm. Code 302 Services Delivered by the Department (P-7365/92; A-274) (P-2460) (E-2513)
89 III. Adm. Code 376 Standards for Department Facilities (PR-8104)

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4 III. Adm. Code 575	Americans With Disabilities Act Grievance Procedure (A-1462/92; CC-1673)
47 III. Adm. Code 125	Emergency Community Services and Grants Program (P-1887/92; A-6180)
14 III. Adm. Code 520	Enterprise Zone Program (P-1369/92; A-1837)
47 III. Adm. Code 100	Low Income Home Energy Assistance Program (P-1670/92; A-3836)
56 III. Adm. Code 2060	Small Business Impact Analysis Procedures (P-1359/92; A-6483)
1 III. Adm. Code 300	Small Business Impact Analysis Procedures (P-1359/92; A-1511)
17 III. Adm. Code 130	State Administration of the Ill. Neighborhood Corps Program (PR-1; A-7212)
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92 III. Adm. Code 1376	Accounting & Financial Record Requirements (P-8630)
92 III. Adm. Code 400	Americans With Disabilities Act Grievance Procedure (A-1243/92; CC-1673)
83 III. Adm. Code 305	Construction of Electric Power & Communication Lines (P-2462)
83 III. Adm. Code 756	Dual Party Relay Service (P-1400/92; A-1848)
92 III. Adm. Code 1360	Equipment Leases (P-1685)
83 III. Adm. Code 590	Minimum Safety Standards for Transportation of Gas & For Gas Pipeline Facilities (P-2466)
83 III. Adm. Code 255	Notice Requirements for Change in Rates for Cooling, Electric, Gas, Heating, Telecommunications, Sewer or Water Services (P-1370/92; A-798)
83 III. Adm. Code 315	Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies & Electric & Telephone Public Utilities (P-202)
83 III. Adm. Code 280	Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-12810/92; A-805) (P-6382)
83 III. Adm. Code 735	Procedures Governing the Establishment of Credit, Billing Termination of Service & Issuance of Telephone Directories for Telephone Utilities in the State of Ill. (G.O. #218) (P-6386)
83 III. Adm. Code 275	Promotional Practices of Electric & Gas Public Utilities (P-8269/92; A-98; RQ-2075; EC-3902)
92 III. Adm. Code 1236	Reinstatement of Revoked Operating Authority (P-9167)
83 III. Adm. Code 755	Telecommunications Access for the Hearing & Voice Impaired (P-16709/92; A-5594)
92 III. Adm. Code 1375	Uniform System of Accounts (P-8635)
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23 III. Adm. Code 1501	Administration of the Ill. Public Community College Act (P-12274/92; A1853) (P-6686)
4 III. Adm. Code 1050	Americans With Disabilities Act Grievance Procedure (P-17399/92; A-4185)
2 III. Adm. Code 5176	Public Access to Information (CC-6903)
2 III. Adm. Code 5175	Public Information, Rulemaking and Organization (CC-6904)
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47 III. Adm. Code 700	By-Laws (P-4530)
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4 III. Adm. Code 775	Americans with Disabilities Act Grievance Procedure (P-13710/92; A-6499)
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17 III. Adm. Code 530	Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit & Crow Hunting (P-7138)
17 III. Adm. Code 830	Commercial Fishing & Musseling in Certain Waters of the State (P-17405/92; A-3177)
17 III. Adm. Code 590	Dog Training on Department-Owned or -Managed Sites (P-6390)
17 III. Adm. Code 730	Duck, Goose & Coot Hunting (P-4539)
17 III. Adm. Code 590	Forestry Development Cost-Share Program (P-8107)
17 III. Adm. Code 1536	General Hunting & Trapping on Department-Owned or -Managed Sites (P-4601)
17 III. Adm. Code 510	Ill. List of Endangered & Threatened Flora (P-4608)
17 III. Adm. Code 1050	Muskkrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-4611)
17 III. Adm. Code 570	North Point Marina (P-19993/92; A-6760)
17 III. Adm. Code 220	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (P-4622)
17 III. Adm. Code 550	Sport Fishing Regulations for the Waters of Ill. (P-17414/92; A-3853; E-5915) (P-4636)
17 III. Adm. Code 810	Squirrel Hunting (P-4672)
17 III. Adm. Code 690	Taking of Wild Turkeys-Fall Archery Season, The (P-15260/92; A-281) (P-4680)
17 III. Adm. Code 720	Taking of Wild Turkeys-Fall Gun Season (P-4689)
17 III. Adm. Code 715	Taking of Wild Turkeys-Spring Season, The (P-18181/92; A-3184)
17 III. Adm. Code 710	White-Tailed Deer Hunting by Use of Bow and Arrow (P-15265/92; A-286) (P-4698)
17 III. Adm. Code 650	White-Tailed Deer Hunting by Use of Firearms (P-4718)
17 III. Adm. Code 660	White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles (P-4742)
17 III. Adm. Code 740	Woodchuck, Snipe, Rail & Teal Hunting (P-4757)
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4 III. Adm. Code 475	American With Disabilities Act Grievance Procedure (A-10423/92; CC-1673)
20 III. Adm. Code 525	Rights & Privileges (PP-1666; RQ-9150) (PP-8069)
20 III. Adm. Code 502	Safety, Maintenance & Sanitation (P-6394)
20 III. Adm. Code 501	Security (P-8396)
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4 III. Adm. Code 150	Americans With Disabilities Act Grievance Procedure (P-1263)
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14 III. Adm. Code 1230	Employee Ownership Assistance Program (P-9222/92; A-1859)
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23 III. Adm. Code 2310	Functions & Planning Program (P-1691; A-9680)
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23 III. Adm. Code 1	Public Schools Evaluation, Recognition & Supervision (P-8684/92; A-18010/92; EC-3553)
23 III. Adm. Code 228	Transitional Bilingual Education (P-9253/92; A-104)

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4 Ill. Adm. Code 1025 Americans With Disabilities Act Grievance Procedure (P-13188/92; A-8802)
56 Ill. Adm. Code 2865 Claimant's Availability For Work, Ability To Work & Active Search For Work (P-6907)
56 Ill. Adm. Code 2840 Claimant's Reason For Separation From Work (P-886) (P-8403)
56 Ill. Adm. Code 2720 Claims, Adjudication, Appeals & Hearings (P-6919)
56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-15625/92; A-295)
56 Ill. Adm. Code 2732 Employment (P-211; A-8809) (P-5985)
56 Ill. Adm. Code 2712 General Application (P-17853/92; A-3194)
56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-12006/92; A-308) (P-15638/92; A-614) (P-2523)

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35 Ill. Adm. Code 923 Americans With Disabilities Act Grievance Procedure (P-10534/92; A-8162)
35 Ill. Adm. Code 924 Annual Emissions Report (P-17159/92; A-7782)
35 Ill. Adm. Code 920 Permit Fees for Installing or Extending Sewers (P-2469)
35 Ill. Adm. Code 858 Procedures for Operation of the Non-Hazardous Solid Waste Fee System (P-4621/92; A-136)
35 Ill. Adm. Code 876 Proceeding for Claim for Payment from the Underground Storage Tank Fund (P-16191/92; O-18856/92; RC-18857/92; M-2438)
35 Ill. Adm. Code 252 Public Participation in the Air Pollution Control Permit Program (P-18139/92; A-9684)
35 Ill. Adm. Code 253 Public Participation in the Air Pollution Permit Program (P-18139/92; A-9698)

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8 Ill. Adm. Code 1400 Ill. Farm Development Authority (P-8297/92; A-3618) (P-3956)

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38 Ill. Adm. Code 190 Ill. Credit Union Act (P-6599)
38 Ill. Adm. Code 130 Schedules of Maximum Rates to be Charged for Check Cashing & Writing of Money Orders by Community & Ambulatory Currency Exchanges (P-6929)
38 Ill. Adm. Code 180 Uniform Disposition of Unclaimed Property Act (P-14006/92; A-123) (P-5990) (E-6321)

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4 Ill. Adm. Code 200 Americans With Disabilities Act Grievance Procedure (P-19549/92; A-2200)
41 Ill. Adm. Code 280 Fire Equipment Administrative Procedures (P-15663/92; A-7214)
41 Ill. Adm. Code 100 Fire Prevention & Safety (P-15681/92; PF-8083)
41 Ill. Adm. Code 140 Policy & Procedures Manual for Fire Protection Personnel (P-14017/92; W-9752)
41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (E-1186)

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77 Ill. Adm. Code 2510 Data Collection (P-18913/92; A-9700) (P-1695) (E-2031)
77 Ill. Adm. Code 2540 Penalties (P-18915/92; A-9713)

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77 Ill. Adm. Code 1235 Health Care Worker Self-Referral (E-432; O-3056) (P-683)

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77 Ill. Adm. Code 3000 Hearing Aid Protection Continuing Education Requirements (P-13463/92; A-8817)

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4 Ill. Adm. Code 975 Americans With Disabilities Act Grievance Procedure (A-19806/92; CC-1673)

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17 Ill. Adm. Code 4180 Rules for Review of State Agency Undertakings (P-13718/92; A-1521)

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4 Ill. Adm. Code 700 Americans With Disabilities Act Grievance Procedure (P-15684/92; A-6507)
47 Ill. Adm. Code 370 National Affordable Housing Act (HOME) Program (P-17173/92; A-319)

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56 Ill. Adm. Code 2520 Procedural (P-10)

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4 Ill. Adm. Code 225 Americans With Disabilities Grievance Procedure (P-7749/92; A-2945)
50 Ill. Adm. Code 7020 Pre-Arbitration (P14511/92; A-2206)

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50 Ill. Adm. Code 1408 Actuarial Opinion & Memorandum (P-8735/92; A-4195)
50 Ill. Adm. Code 920 Actuarial Qualification (PR-2530)
50 Ill. Adm. Code 927 Anticipated Salvage & Subrogation Recoverable (P-2106)
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50 Ill. Adm. Code 1250 Corrective Orders (P-3985)
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50 Ill. Adm. Code 2013 Group Coverage Discontinuance & Replacement (P-10375/92; A-1525)
50 Ill. Adm. Code 2015 Intensity Coverage (P-496; A-3170)
50 Ill. Adm. Code 904 Internal Security Standard & Fidelity Bonds (P-3993)
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50 Ill. Adm. Code 802 Purchasing & Selling Call & Put Options Contracts (P-44; A-6783) (E-163)
50 Ill. Adm. Code 916 Required Procedure for Filing & Securing Approval of Life Insurance, Annuity, & Accident & Health Insurance Policy Forms; (P-5992)

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1 Ill. Adm. Code 245 Expedited Corrections (CC-5962)
1 Ill. Adm. Code 250 Five-Year Evaluation of all Existing Rules (CC-5964)
1 Ill. Adm. Code 210 General Policies (CC-5965)
1 Ill. Adm. Code 230 Review of Emergency Rulemaking (CC-5967)
1 Ill. Adm. Code 240 Review of Peremptory Rulemaking (CC-5969)
1 Ill. Adm. Code 220 Review of Proposed Rulemaking (CC-5971)

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- 55 Ill. Adm. Code 350 Health & Safety (P-3780/92; O-180; R-1239; A-1074) (E-7072)
- 80 Ill. Adm. Code 1200 Illinois State/ILLINOIS LOCAL
- 80 Ill. Adm. Code 1230 General Procedures (P-3703)
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- 80 Ill. Adm. Code 1210 Representation Proceedings (P-3714)
- 80 Ill. Adm. Code 1220 Unfair Labor Practice Proceedings (P-3755)

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- 11 Ill. Adm. Code 1770 Lottery (General) (P-16738/92; C-8074)

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- 59 Ill. Adm. Code 122 Certification Under Medical Rehabilitation Option for Early Intervention
- 59 Ill. Adm. Code 121 Outpatient (P-1569/92; RC-3688; A-4236)
- 59 Ill. Adm. Code 121 Early Admission Program (P-15715/92; RC-3689; A-4261)
- 59 Ill. Adm. Code 119 Minimum Standards for Certification of Developmental Training Programs (P-6397)

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- 64 Ill. Adm. Code 240 III. Oil & Gas Act, The (E-1195) (P-13722/92; A-2217) (P-3771)
- 44 Ill. Adm. Code 610 Plugging & Restoration Contracts (P-1697; A-8176)

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- 32 Ill. Adm. Code 310 General Provisions (P-3787)
- 32 Ill. Adm. Code 400 Notices, Instructions & Reports to Workers; Inspections (P-8655)
- 32 Ill. Adm. Code 390 Particle Accelerators (P-8666)
- 32 Ill. Adm. Code 351 Radiation Safety Requirements for Wireline Service Operations & Subsurface
- 32 Ill. Adm. Code 320 Tracer Studies (P-8674)
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- 32 Ill. Adm. Code 335 Standards for Protection Against Radiation (PR-3997) (P-4070)
- 32 Ill. Adm. Code 335 Use of Radionuclides in the Healing Arts (E-9099)

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- 35 Ill. Adm. Code 211 Definitions & General Provisions (P-4782)
- 35 Ill. Adm. Code 1422 Design & Operation of Facilities (P-20002/92; O-8084)
- 35 Ill. Adm. Code 615 Existing Activities in A Setback Zone or Regulated Recharge Area (P-16465/92; A-1871)
- 35 Ill. Adm. Code 604 Finished Water & Raw Water Quality & Quantity (PR-7621)
- 35 Ill. Adm. Code 738 Hazardous Waste Injection Restrictions (P-16770/92; A-6190) (P-8423)
- 35 Ill. Adm. Code 720 Hazardous Waste Management System (P-16776/92; A-5625) (P-9170)
- 35 Ill. Adm. Code 725 Identification & Listing of Hazardous Waste (P-16801/92; A-5650) (P-9193)
- 35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-16831/92; A-5681) (P-9245)
- 35 Ill. Adm. Code 728 Land Disposal Restrictions (P-16878/92; A-5727) (P-9317)

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- 35 Ill. Adm. Code 203 Major Stationary Sources Construction & Modification (P-4898) (P-18919/92; A-6973)
- 35 Ill. Adm. Code 616 New Activities in A Setback Zone or Regulated Recharge Area (P-16473/92; A-1878)
- 35 Ill. Adm. Code 218 Organic Material Emission Standards & Limitations for the Chicago Area (P-4905; C-6520)
- 35 Ill. Adm. Code 219 Organic Material Emission Standards & Limitations for the Metro East Area (P-5169; C-6539) (E-8295)
- 35 Ill. Adm. Code 611 Primary Drinking Water Standards (P-2533; A-7796) (P-7629)
- 35 Ill. Adm. Code 702 RCRA & UIC Permit Programs (P-16924/92; A-5769)
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- 35 Ill. Adm. Code 722 Solid Waste Disposal: General Provisions (P-8702)
- 35 Ill. Adm. Code 814 Standards Applicable to Generators of Hazardous Waste (P-9445)
- 35 Ill. Adm. Code 811 Standards for Existing Landfills & Units (P-8714)
- 35 Ill. Adm. Code 811 Standards for New Solid Waste Landfills (P-8726)
- 35 Ill. Adm. Code 724 Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-16970/92; A-5860) (P-9453)
- 35 Ill. Adm. Code 726 Standards for Management of Specified Hazardous Waste & Specific Types of Hazardous Waste Management Facilities (P-17028/92; A-5865) (P-9528)
- 35 Ill. Adm. Code 739 Standards for the Management of Used Oil (P-5588)
- 35 Ill. Adm. Code 730 Underground Injection Control Operating Requirements (P-8428)

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- 4 Ill. Adm. Code 275 Americans With Disabilities Act Grievance Procedure (A-7003/92; CC-1673)
- 68 Ill. Adm. Code 1470 Clinical Social Work & Social Work Practice Act (P-8435)
- 68 Ill. Adm. Code 1210 Collection Agency Act (P-16374/92; A-1535)
- 68 Ill. Adm. Code 1210 III. Architecture Practice Act of 1989 (P-17042/92; A-1554)
- 68 Ill. Adm. Code 1220 III. Dental Practice Act (P-15762/92; A-1559) (P-1708) (P-8127) (E-8309)
- 68 Ill. Adm. Code 1300 III. Nursing Act of 1987 (P-16484/92; A-1572)
- 68 Ill. Adm. Code 1340 III. Physical Therapy Act (P-8444)
- 68 Ill. Adm. Code 1465 III. Speech-Language Pathology & Audiology Practice Act, The (P-890)
- 68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (P-9624)
- 68 Ill. Adm. Code 1310 Nursing Home Administrators Licensing & Disciplinary Act (P-8139)
- 68 Ill. Adm. Code 1320 Optometric Practice Act of 1987 (P-6729)
- 68 Ill. Adm. Code 1240 Private Detective, Private Alarm & Private Security Act of 1983 (P-15775/92; A-1579)
- 68 Ill. Adm. Code 1430 Public Accounting Act (Professional Conduct) (P-4141)
- 68 Ill. Adm. Code 1455 Real Estate Appraiser Certification (P-15785/92; A-1589) (P-6612) (E-6668)
- 68 Ill. Adm. Code 1480 Structural Engineering Licensing Act of 1989, The (P-4149)

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- 89 Ill. Adm. Code 112 Aid to Families With Dependent Children (P-46) (P-3335/92; A-357) (P-13381/92; A-813) (P-15277/92; A-2233) (P-18216/92; A-4312) (P-5436) (P-6026) (E-6325) (P-19642/92; A-6792) (P-7745)

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89 Ill. Adm. Code 110	Application Fee (P-13207/92; A-640)
89 Ill. Adm. Code 111	Agency Standards (P-16161/92; A-3213)
89 Ill. Adm. Code 160	Child Support Enforcement (P-8892/92; A-2772) (P-3820)
89 Ill. Adm. Code 165	Collection and Recovery (P-2110; A-8187) (P-6614)
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89 Ill. Adm. Code 149	Diagnostic Related Grouping (DRG) Prospective Payment System (PPS) (P-14535/92; A-3217)
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TYPE OF RULEMAKING

am = amendment to existing Section
cc = codification changes
n = new Section
r = repeal of existing Section
re = reclassified
= renumbered

ACTION CODES

A = Adopted rule
C = Correction
P = Proposed Rule
E = Emergency rule
PP = Peremptory rule
M = Modification
W = Withdrawal
RQ = Request for Correction
PF = Prohibited filing
S = Suspension
O = ICAR Objection
R = Refusal to Modify
F = Failure to Remedy
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RC = Recommendation
EC = Expedited Correction
CC = Codification Changes

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290.164 n	205.150	n	(P-3594) (E-6859; O-8085)
290.165 am			
290.170 r	205.160	n	(P-3594) (E-6859; O-8085)
290.175 r			
290.180 r	205.170	n	(P-3594) (E-6859; O-8085)
290.185 am			
290.190 am	205.180	n	(P-3594) (E-6859; O-8085)
290.195 am			
290.200 am	205.190	n	(P-3594) (E-6859; O-8085)
290.205 r			
290.210 am	205.250	n	(P-3594) (E-6859; O-8085)
290.212 am			
290.215 am	205.260	n	(P-3594) (E-6859; O-8085)
750.10 n			
750.20 n	205.270	n	(P-1251; A-6965) (P-3594) (E-6859; O-8085)
750.30 n			
750.40 n	205.280	n	(P-1251; A-6965) (P-3594) (E-6859; O-8085)
1400.146 am			
1400.147 am	205.290	n	(P-8297/92; A-3618) (P-3956) (P-3594) (E-6859; O-8085)
1400.149 am	205.300	n	(P-3594) (E-6859; O-8085)
	205.310	n	(P-3594) (E-6859; O-8085)

TITLE 11
100.350

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TITLE 11 (CONT'D)	205.590	n	(P-3594) (E-6859; O-8085)
205.320 n			
205.330	205.600	n	(P-3594) (E-6859; O-8085)
205.340			
205.340 n	205.610	n	(P-3594) (E-6859; O-8085)
205.350 n			
205.350 n	205.620	n	(P-3594) (E-6859; O-8085)
205.360 n			
205.360 n	205.650	n	(P-3594) (E-6859; O-8085)
205.370 n			
205.370 n	205.660	n	(P-3594) (E-6859; O-8085)
205.380 n			
205.380 n	205.670	n	(P-3594) (E-6859; O-8085)
205.420 n			
205.420 n	205.680	n	(P-3594) (E-6859; O-8085)
205.430 n			
205.430 n	205.690	n	(P-3594) (E-6859; O-8085)
205.440 n			
205.440 n	205.700	n	(P-3594) (E-6859; O-8085)
205.450 n			
205.450 n	205.710	n	(P-3594) (E-6859; O-8085)
205.460 n			
205.460 n	205.720	n	(P-3594) (E-6859; O-8085)
205.470 n			
205.470 n	205.730	n	(P-3594) (E-6859; O-8085)
205.480 n			
205.480 n	509.10 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
205.490 n	509.20 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
205.500 n	509.30 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
205.510 n	509.40 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
205.520 n	509.50 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
205.530 n	509.60 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
205.540 n	509.70 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
205.550 n	509.80 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
205.560 n	509.90 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
205.570 n	509.100 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
205.580 n	509.110 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
	509.130 r		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
	509.150 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
	509.160 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
	509.170 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
	509.175 r		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
	509.190 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
	509.195 r		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
	509.200 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)
	509.210 am		(P-6955/92; A-3649) (P-3594) (E-6859; O-8085)

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2763.20 am

(E-175) (P-1459)

340.230

n

(P-4070)

2763.30 am

(P-1459)

340.240

n

(P-4070)

2763.40 am

(P-1459)

340.250

n

(P-4070)

2763.50 am

(P-1459)

340.260

n

(P-4070)

2763.60 am

(P-1459)

340.270

n

(P-4070)

2763.70 am

(P-1459)

340.280

n

(P-4070)

2763.80 am

(P-1505)

340.290

n

(P-4070)

2763.90 am

(P-1505)

340.300

n

(P-4070)

2764.00 am

(P-1505)

340.310

n

(P-4070)

2764.10 am

(P-1505)

340.320

n

(P-4070)

2764.20 am

(P-1505)

340.330

n

(P-4070)

2764.30 am

(P-1505)

340.340

n

(P-4070)

2764.40 am

(P-1505)

340.350

n

(P-4070)

2764.50 am

(P-1505)

340.360

n

(P-4070)

2764.60 am

(P-1505)

340.370

n

(P-4070)

2764.70 am

(P-1505)

340.380

n

(P-4070)

2764.80 am

(P-1505)

340.390

n

(P-4070)

2764.90 am

(P-1505)

340.400

n

(P-4070)

2765.00 am

(P-1505)

340.410

n

(P-4070)

2765.10 am

(P-1505)

340.420

n

(P-4070)

2765.20 am

(P-1505)

340.430

n

(P-4070)

2765.30 am

(P-1505)

340.440

n

(P-4070)

2765.40 am

(P-1505)

340.450

n

(P-4070)

2765.50 am

(P-1505)

340.460

n

(P-4070)

2765.60 am

(P-1505)

340.470

n

(P-4070)

2765.70 am

(P-1505)

340.480

n

(P-4070)

2765.80 am

(P-1505)

340.490

n

(P-4070)

2765.90 am

(P-1505)

340.500

n

(P-4070)

2766.00 am

(P-1505)

340.510

n

(P-4070)

2766.10 am

(P-1505)

340.520

n

(P-4070)

2766.20 am

(P-1505)

340.530

n

(P-4070)

2766.30 am

(P-1505)

340.540

n

(P-4070)

2766.40 am

(P-1505)

340.550

n

(P-4070)

2766.50 am

(P-1505)

340.560

n

(P-4070)

2766.60 am

(P-1505)

340.570

n

(P-4070)

2766.70 am

(P-1505)

340.580

n

(P-4070)

2766.80 am

(P-1505)

340.590

n

(P-4070)

2766.90 am

(P-1505)

340.600

n

(P-4070)

2767.00 am

(P-1505)

340.610

n

(P-4070)

2767.10 am

(P-1505)

340.620

n

(P-4070)

2767.20 am

(P-1505)

340.630

n

(P-4070)

2767.30 am

(P-1505)

340.640

n

(P-4070)

2767.40 am

(P-1505)

340.650

n

(P-4070)

2767.50 am

(P-1505)

340.660

n

(P-4070)

2767.60 am

(P-1505)

340.670

n

(P-4070)

2767.70 am

(P-1505)

340.680

n

(P-4070)

2767.80 am

(P-1505)

340.690

n

(P-4070)

2767.90 am

(P-1505)

340.700

n

(P-4070)

2768.00 am

(P-1505)

340.710

n

(P-4070)

2768.10 am

(P-1505)

340.720

n

(P-4070)

2768.20 am

(P-1505)

340.730

n

(P-4070)

2768.30 am

(P-1505)

340.740

n

(P-4070)

2768.40 am

(P-1505)

340.750

n

(P-4070)

2768.50 am

(P-1505)

340.760

n

(P-4070)

2768.60 am

(P-1505)

340.770

n

(P-4070)

2768.70 am

(P-1505)

340.780

n

(P-4070)

2768.80 am

(P-1505)

340.790

n

(P-4070)

2768.90 am

(P-1505)

340.800

n

(P-4070)

2769.00 am

(P-1505)

340.810

n

(P-4070)

2769.10 am

(P-1505)

340.820

n

(P-4070)

2769.20 am

(P-1505)

340.830

n

(P-4070)

2769.30 am

(P-1505)

340.840

n

(P-4070)

2769.40 am

(P-1505)

340.850

n

(P-4070)

2769.50 am

(P-1505)

340.860

n

(P-4070)

2769.60 am

(P-1505)

340.870

n

(P-4070)

2769.70 am

(P-1505)

340.880

n

(P-4070)

2769.80 am

(P-1505)

340.890

n

(P-4070)

2769.90 am

(P-1505)

340.900

n

(P-4070)

2770.00 am

(P-1505)

340.910

n

(P-4070)

2770.10 am

(P-1505)

340.920

n

(P-4070)

2770.20 am

(P-1505)

340.930

n

(P-4070)

2770.30 am

(P-1505)

340.940

n

(P-4070)

2770.40 am

(P-1505)

340.950

n

(P-4070)

2770.50 am

(P-1505)

340.960

n

(P-4070)

2770.60 am

(P-1505)

340.970

n

(P-4070)

2770.70 am

(P-1505)

340.980

n

(P-4070)

2770.80 am

(P-1505)

340.990

n

(P-4070)

2770.90 am

(P-1505)

341.000

n

(P-4070)

2771.00 am

(P-1505)

341.010

n

(P-4070)

2771.10 am

(P-1505)

341.020

n

(P-4070)

2771.20 am

(P-1505)

341.030

n

(P-4070)

2771.30 am

(P-1505)

341.040

n

(P-4070)

2771.40 am

(P-1505)

341.050

n

(P-4070)

2771.50 am

(P-1505)

341.060

n

(P-4070)

2771.60 am

(P-1505)

341.070

n

(P-4070)

2771.70 am

(P-1505)

341.080

n

(P-4070)

2771.80 am

(P-1505)

341.090

n

(P-4070)

2771.90 am

(P-1505)

341.100

n

(P-4070)

2772.00 am

(P-1505)

341.110

n

(P-4070)

2772.10 am

(P-1505)

341.120

n

(P-4070)

2772.20 am

(P-1505)

341.130

n

(P-4070)

2772.30 am

(P-1505)

341.140

n

(P-4070)

2772.40 am

(P-1505)

341.150

n

(P-4070)

2772.50 am

(P-1505)

341.160

n

(P-4070)

2772.60 am

(P-1505)

341.170

n

(P-4070)

2772.70 am

(P-1505)

341.180

n

(P-4070)

2772.80 am

(P-1505)

341.190

n

(P-4070)

2772.90 am

(P-1505)

341.200

n

(P-4070)

2773.00 am

(P-1505)

341.210

n

(P-4070)

2773.10 am

(P-1505)

341.220

n

(P-4070)

2773.20 am

(P-1505)

341.230

n

(P-4070)

2773.30 am

(P-1505)

341.240

n

(P-4070)

2773.40 am

(P-1505)

341.250

n

(P-4070)

2773.50 am

(P-1505)

341.260

n

(P-4070)

2773.60 am

(P-1505)

341.270

n

(P-4070)

2773.70 am

(P-1505)

341.280

n

(P-4070)

2773.80 am

(P-1505)

341.290

n

(P-4070)

2773.90 am

(P-1505)

341.300

n

(P-4070)

2774.00 am

(P-1505)

341.310

n

(P-4070)

2774.10 am

(P-1505)

341.320

n

(P-4070)

2774.20 am

(P-1505)

341.330

n

(P-4070)

2774.30 am

(P-1505)

341.340

n

(P-4070)

2774.40 am

(P-1505)

341.350

n

(P-4070)

2774.50 am

(P-1505)

341.360

n

(P-4070)

2774.60 am

(P-1505)

341.370

n

(P-4070)

2774.70 am

(P-1505)

341.380

n

(P-4070)

2774.80 am

(P-1505)

341.390

n

(P-4070)

2774.90 am

(P-1505)

341.400

n

(P-4070)

2775.00 am

(P-1505)

341.410

n

(P-4070)

2775.10 am

(P-1505)

341.420

n

(P-4070)

2775.20 am

(P-1505)

341.430

n

(P-4070)

2775.30 am

(P-1505)

341.440

n

(P-4070)

2775.40 am

(P-1505)

341.450

n

(P-4070)

2775.50 am

(P-1505)

341.460

n

(P-4070)

2775.60 am

(P-1505)

341.470

n

(P-4070)

2775.70 am

(P-1505)

341.480

n

(P-4070)

2775.80 am

(P-1505)

341.490

n

(P-4070)

2775.90 am

(P-1505)

341.500

n

(P-4070)

2776.00 am

(P-1505)

341.510

n

(P-4070)

2776.10 am

(P-1505)

341.520

n

(P-4070)

2776.20 am

(P-1505)

341.530

n

(P-4070)

2776.30 am

(P-1505)

341.540

n

(P-4070)

2776.40 am

(P-1505)

341.550

n

(P-4070)

2776.50 am

(P-1505)

341.560

n

(P-4070)

2776.60 am

(P-1505)

341.570

n

(P-4070)

2776.70 am

(P-1505)

341.580

n

(P-4070)

2776.80 am

(P-1505)

341.590

n

(P-4070)

2776.90 am

(P-1505)

341.600

n

(P-4070)

2777.00 am

(P-1505)

341.610

n

(P-4070)

2777.10 am

(P-1505)

341.620

n

(P-4070)

2777.20 am

(P-1505)

341.630

n

(P-4070)

2777.30 am

(P-1505)

341.640

n

(P-4070)

2777.40 am

(P-1505)

341.650

n

(P-4070)

2777.50 am

(P-1505)

341.660

n

(P-4070)

2777.60 am

(P-1505)

341.670

n

(P-4070)

2777.70 am

(P-1505)

341.680

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(P-4070)

2777.80 am

(P-1505)

341.690

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(P-4070)

2777.90 am

(P-1505)

341.700

n

(P-4070)

2778.00 am

(P-1505)

341.710

n

(P-4070)

2778.10 am

(P-1505)

341.720

n

(P-4070)

2778.20 am

(P-1505)

341.730

n

(P-4070)

2778.30 am

(P-1505)

341.740

n

(P-4070)

2778.40 am

(P-1505)

341.750

n

(P-4070)

2778.50 am

(P-1505)

341.760

n

(P-4070)

2778.60 am

(P-1505)

341.770

n

(P-4070)

2778.70 am

(P-1505)

341.780

n

(P-4070)

2778.80 am

(P-1505)

341.790

n

(P-4070)

2778.90 am

(P-1505)

341.800

n

(P-4070)

2779.00 am

(P-1505)

341.810

n

(P-4070)

2779.10 am

(P-1505)

341.820

n

(P-4070)

2779.20 am

(P-1505)

341.830

n

(P-4070)

2779.30 am

(P-1505)

341.840

n

(P-4070)

2779.40 am

(P-1505)

341.850

n

(P-4070)

2779.50 am

(P-1505)

341.860

n

(P-4070)

2779.60 am

(P-1505)

341.870

n

(P-4070)

2779.70 am

(P-1505)

341.880

n

(P-4070)

2779.80 am

(P-1505)

341.890

n

(P-4070)

2779.90 am

(P-1505)

341.900

n

(P-4070)

2780.00 am

(P-1505)

341.910

n

(P-4070)

2780.10 am

(P-1505)

341.920

n

(P-4070)

2780.20 am

(P-1505)

341.930

n

(P-4070)

2780.30 am

(P-1505)

341.940

n

(P-4070)

2780.40 am

(P-1505)

341.950

n

(P-4070)

2780.50 am

(P-1505)

341.960

n

(P-4070)

2780.60 am

(P-1505)

341.970

n

(P-4070)

2780.70 am

(P-1505)

341.980

n

(P-4070)

2780.80 am

(P-1505)

341.990

n

(P-4070)

2780.90 am

(P-1505)

342.000

n

(P-4070)

2781.00 am

(P-1505)

342.010

n

(P-4070)

2781.10 am

(P-1505)

342.020

n

(P-4070)

2781.20 am

(P-1505)

342.030

n

(P-4070)

2781.30 am

(P-1505)

342.040

n

(P-4070)

2781.40 am

(P-1505)

342.050

n

(P-4070)

2781.50 am

(P-1505)

342.060

n

(P-4070)

2781.60 am

(P-1505)

342.070

n

(P-4070)

2781.70 am

(P-1505)

342.080

n

(P-4070)

2781.80 am

(P-1505)

342.090

n

(P-4070)

2781.90 am

(P-1505)

342.100

n

(P-4070)

2782.00 am

(P-1505)

342.110

n

(P-4070)

2782.10 am

(P-1505)

342.120

n

(P-4070)

2782.20 am

(P-1505)

342.130

n

(P-4070)

2782.30 am

(P-1505)

342.140

n

(P-4070)

2782.40 am

(P-1505)

342.150

n

(P-4070)

2782.50 am

(P-1505)

342.160

n

(P-4070)

2782.60 am

(P-1505)

342.170

n

(P-4070)

2782.70 am

(P-1505)

342.180

n

(P-4070)

2782.80 am

(P-1505)

342.190

n

(P-4070)

2782.90 am

(P-1505)

342.200

n

(P-4070)

2783.00 am

(P-1505)

342.210

n

(P-4070)

2783.10 am

(P-1505)

342.220

n

(P-4070)

2783.20 am

(P-1505)

342.230

n

(P-4070)

2783.30 am

(P-1505)

342.240

n

(P-4070)

2783.40 am

(P-1505)

342.250

n

(P-4070)

2783.50 am

(P-1505)

342.260

n

(P-4070)

2783.60 am

(P-1505)

342.270

n

(P-4070)

2783.70 am

(P-1505)

342.280

n

(P-4070)

2783.80 am

(P-1505)

342.290

n

(P-4070)

2783.90 am

(P-1505)

342.300

n

(P-4070)

2784.00 am

(P-1505)

342.310

n

(P-4070)

2784.10 am

(P-1505)

342.320

n

(P-4070)

2784.20 am

(P-1505)

342.330

n

(P-4070)

2784.30 am

(P-1505)

342.340

n

(P-4070)

2784.40 am

(P-1505)

342.350

n

(P-4070)

2784.50 am

(P-1505)

342.360

n

(P-4070)

2784.60 am

(P-1505)

342.370

n

(P-4070)

2784.70 am

(P-1505)

342.380

n

(P-4070)

2784.80 am

(P-1505)

342.390

n

(P-4070)

2784.90 am

(P-1505)

342.400

n

(P-4070)

2785.00 am

(P-1505)

342.410

n

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2785.10 am

(P-1505)

342.420

n

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1230.80 n	(P-7768)	2720.41	ann	(P-1403)
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1230.100 n	(P-7768)	2720.55	ann	(P-1403)
1230.Ex.A f	(P-7768)	2720.60	ann	(P-1403)
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1501.109 ann	(P-6686)	2731.20	ann	(P-1381)
1501.110 ann	(P-6686)	2732.10	ann	(P-1493)
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1501.309 ann	(P-6686)	2735.20	ann	(P-1470)
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211.2150	n	(P-4782)	211.3170	n	(P-4782)
211.2170	n	(P-4782)	211.3190	n	(P-4782)
211.2190	n	(P-4782)	211.3210	n	(P-4782)
211.2210	n	(P-4782)	211.3230	n	(P-4782)
211.2230	n	(P-4782)	211.3250	n	(P-4782)
211.2250	n	(P-4782)	211.3270	n	(P-4782)
211.2270	n	(P-4782)	211.3290	n	(P-4782)
211.2290	n	(P-4782)	211.3310	n	(P-4782)
211.2310	n	(P-4782)	211.3330	n	(P-4782)
211.2330	n	(P-4782)	211.3350	n	(P-4782)
211.2350	n	(P-4782)	211.3370	n	(P-4782)
211.2370	n	(P-4782)	211.3390	n	(P-4782)
211.2390	n	(P-4782)	211.3410	n	(P-4782)
211.2410	n	(P-4782)	211.3430	n	(P-4782)
211.2430	n	(P-4782)	211.3450	n	(P-4782)
211.2450	n	(P-4782)	211.3470	n	(P-4782)
211.2470	n	(P-4782)	211.3490	n	(P-4782)
211.2490	n	(P-4782)	211.3510	n	(P-4782)
211.2510	n	(P-4782)	211.3530	n	(P-4782)
211.2530	n	(P-4782)	211.3550	n	(P-4782)
211.2550	n	(P-4782)	211.3570	n	(P-4782)
211.2570	n	(P-4782)	211.3590	n	(P-4782)
211.2590	n	(P-4782)	211.3610	n	(P-4782)
211.2650	n	(P-4782)	211.3630	n	(P-4782)
211.2670	n	(P-4782)	211.3650	n	(P-4782)
211.2690	n	(P-4782)	211.3670	n	(P-4782)
211.2710	n	(P-4782)	211.3690	n	(P-4782)
211.2730	n	(P-4782)	211.3710	n	(P-4782)
211.2750	n	(P-4782)	211.3730	n	(P-4782)
211.2770	n	(P-4782)	211.3750	n	(P-4782)
211.2790	n	(P-4782)	211.3770	n	(P-4782)
211.2810	n	(P-4782)	211.3790	n	(P-4782)
211.2830	n	(P-4782)	211.3810	n	(P-4782)
211.2850	n	(P-4782)	211.3830	n	(P-4782)
211.2870	n	(P-4782)	211.3850	n	(P-4782)
211.2890	n	(P-4782)	211.3870	n	(P-4782)
211.2910	n	(P-4782)	211.3890	n	(P-4782)
211.2930	n	(P-4782)	211.3910	n	(P-4782)
211.2950	n	(P-4782)	211.3930	n	(P-4782)
211.2970	n	(P-4782)	211.3950	n	(P-4782)
211.2990	n	(P-4782)	211.3970	n	(P-4782)
211.3010	n	(P-4782)	211.4010	n	(P-4782)
211.3030	n	(P-4782)	211.4030	n	(P-4782)
211.3050	n	(P-4782)	211.4050	n	(P-4782)
211.3070	n	(P-4782)	211.4070	n	(P-4782)

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211.4150	n	(P-4782)	211.5210	n	(P-4782)
211.4170	n	(P-4782)	211.5230	n	(P-4782)
211.4190	n	(P-4782)	211.5250	n	(P-4782)
211.4210	n	(P-4782)	211.5270	n	(P-4782)
211.4230	n	(P-4782)	211.5290	n	(P-4782)
211.4250	n	(P-4782)	211.5310	n	(P-4782)
211.4270	n	(P-4782)	211.5330	n	(P-4782)
211.4290	n	(P-4782)	211.5350	n	(P-4782)
211.4310	n	(P-4782)	211.5370	n	(P-4782)
211.4330	n	(P-4782)	211.5410	n	(P-4782)
211.4350	n	(P-4782)	211.5430	n	(P-4782)
211.4370	n	(P-4782)	211.5450	n	(P-4782)
211.4390	n	(P-4782)	211.5470	n	(P-4782)
211.4410	n	(P-4782)	211.5490	n	(P-4782)
211.4430	n	(P-4782)	211.5510	n	(P-4782)
211.4450	n	(P-4782)	211.5550	n	(P-4782)
211.4470	n	(P-4782)	211.5570	n	(P-4782)
211.4490	n	(P-4782)	211.5590	n	(P-4782)
211.4510	n	(P-4782)	211.5610	n	(P-4782)
211.4530	n	(P-4782)	211.5630	n	(P-4782)
211.4550	n	(P-4782)	211.5650	n	(P-4782)
211.4570	n	(P-4782)	211.5670	n	(P-4782)
211.4590	n	(P-4782)	211.5690	n	(P-4782)
211.4610	n	(P-4782)	211.5710	n	(P-4782)
211.4630	n	(P-4782)	211.5730	n	(P-4782)
211.4650	n	(P-4782)	211.5750	n	(P-4782)
211.4670	n	(P-4782)	211.5770	n	(P-4782)
211.4690	n	(P-4782)	211.5790	n	(P-4782)
211.4710	n	(P-4782)	211.5810	n	(P-4782)
211.4730	n	(P-4782)	211.5830	n	(P-4782)
211.4750	n	(P-4782)	211.5850	n	(P-4782)
211.4770	n	(P-4782)	211.5870	n	(P-4782)
211.4790	n	(P-4782)	211.5890	n	(P-4782)
211.4810	n	(P-4782)	211.5910	n	(P-4782)
211.4830	n	(P-4782)	211.5930	n	(P-4782)
211.4850	n	(P-4782)	211.5950	n	(P-4782)
211.4870	n	(P-4782)	211.5970	n	(P-4782)
211.4890	n	(P-4782)	211.5990	n	(P-4782)
211.4910	n	(P-4782)	211.6010	n	(P-4782)
211.4930	n	(P-4782)	211.6030	n	(P-4782)
211.4950	n	(P-4782)	211.6050	n	(P-4782)
211.4970	n	(P-4782)	211.6070	n	(P-4782)
211.4990	n	(P-4782)	211.6090	n	(P-4782)
211.5010	n	(P-4782)	211.6130	n	(P-4782)
211.5030	n	(P-4782)	211.6150	n	(P-4782)
211.5050	n	(P-4782)	211.6170	n	(P-4782)
211.5070	n	(P-4782)	211.6190	n	(P-4782)
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211.6290	n	211.7370	n	(P-4782)
211.6310	n	211.7390	n	(P-4782)
211.6330	n	211.7410	n	(P-4782)
211.6350	n	211.7430	n	(P-4782)
211.6370	n	211.7450	n	(P-4782)
211.6390	n	211.7470	n	(P-4782)
211.6410	n	211.7490	n	(P-4782)
211.6430	n	211.7510	n	(P-4782)
211.6450	n	211.7530	n	(P-4782)
211.6470	n	211.7550	n	(P-4782)
211.6490	n	211.7570	n	(P-4782)
211.6510	n	211.7590	n	(P-4782)
211.6530	n	211.7610	n	(P-4782)
211.6550	n	211.7630	n	(P-4782)
211.6570	n	211.7650	n	(P-4782)
211.6590	n	211.7670	n	(P-4782)
211.6610	n	211.7690	n	(P-4782)
211.6630	n	211.7710	n	(P-4782)
211.6650	n	211.7730	n	(P-4782)
211.6670	n	211.7750	n	(P-4782)
211.6690	n	211.7770	n	(P-4782)
211.6710	n	211.7790	n	(P-4782)
211.6730	n	211.7810	n	(P-4782)
211.6750	n	211.7830	n	(P-4782)
211.6770	n	211.7850	n	(P-4782)
211.6790	n	211.7870	n	(P-4782)
211.6810	n	211.7890	n	(P-4782)
211.6830	n	211.7910	n	(P-4782)
211.6850	n	211.7930	n	(P-4782)
211.6870	n	211.7950	n	(P-4782)
211.6890	n	211.7970	n	(P-4782)
211.6910	n	211.7990	n	(P-4782)
211.6930	n	211.8010	n	(P-4782)
211.6950	n	211.8030	n	(P-4782)
211.6970	n	211.8050	n	(P-4782)
211.6990	n	211.8070	n	(P-4782)
211.7010	n	211.8090	n	(P-4782)
211.7030	n	211.8110	n	(P-4782)
211.7050	n	211.8130	n	(P-4782)
211.7070	n	211.8150	n	(P-4782)
211.7090	n	211.8170	n	(P-4782)
211.7110	n	211.8190	n	(P-4782)
211.7130	n	211.8210	n	(P-4782)
211.7150	n	211.8230	n	(P-4782)
211.7170	n	211.8250	n	(P-4782)
211.7190	n	211.8270	n	(P-4782)
211.7210	n	211.8290	n	(P-4782)
211.7230	n	211.8310	n	(P-4782)
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218.482	ann	218.483	ann	(P-4905)
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218.486	ann	218.487	ann	(P-4905)
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218.490	ann	218.491	ann	(P-4905)
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218.496	ann	218.497	ann	(P-4905)
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218.500	ann	218.501	ann	(P-4905)
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218.504	ann	218.505	ann	(P-4905)
218.506	ann	218.507	ann	(P-4905)
218.508	ann	218.509	ann	(P-4905)
218.510	ann	218.511	ann	(P-4905)
218.512	ann	218.513	ann	(P-4905)
218.514	ann	218.515	ann	(P-4905)
218.516	ann	218.517	ann	(P-4905)
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218.520	ann	218.521	ann	(P-4905)
218.522	ann	218.523	ann	(P-4905)
218.524	ann	218.525	ann	(P-4905)
218.526	ann	218.527	ann	(P-4905)
218.528	ann	218.529	ann	(P-4905)
218.530	ann	218.531	ann	(P-4905)
218.532	ann	218.533	ann	(P-4905)
218.534	ann	218.535	ann	(P-4905)
218.536	ann	218.537	ann	(P-4905)
218.538	ann	218.539	ann	(P-4905)
218.540	ann	218.541	ann	(P-4905)
218.542	ann	218.543	ann	(P-4905)
218.544	ann	218.545	ann	(P-4905)
218.546	ann	218.547	ann	(P-4905)
218.548	ann	218.549	ann	(P-4905)
218.550	ann	218.551	ann	(P-4905)
218.552	ann	218.553	ann	(P-4905)
218.554	ann	218.555	ann	(P-4905)
218.556	ann	218.557	ann	(P-4905)
218.558	ann	218.559	ann	(P-4905)
218.560	ann	218.561	ann	(P-4905)
218.562	ann	218.563	ann	(P-4905)
218.564	ann	218.565	ann	(P-4905)
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218.590	ann	218.591	ann	(P-4905)
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218.596	ann	218.597	ann	(P-4905)
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TITLE 35 (CONT'D)	June 25, 1993	TITLE 35 (CONT'D)	June 25, 1993
725.540 am	(P-9245)	738.101 am	(P-16770/92; A-6190)
725.541 am	(P-9245)	738.110 am	(P-16770/92; A-6190)
725.542 am	(P-9245)	738.117 am	(P-9483)
725.543 am	(P-9245)	739.100 n	(P-9588)
	(P-9245)	739.111 n	(P-9588)
725.1100 n	(P-9245)	739.112 n	(P-9588)
725.1101 n	(P-9245)	739.120 n	(P-9588)
725.1102 n	(P-9245)	739.121 n	(P-9588)
726.140 f	(P-9528)	739.122 n	(P-9588)
726.141 f	(P-9528)	739.123 n	(P-9588)
726.142 f	(P-9528)	739.124 n	(P-9588)
726.143 f	(P-9528)	739.131 n	(P-9588)
726.144 f	(P-9528)	739.132 n	(P-9588)
726.200 am	(P-9528)	739.140 n	(P-9588)
	(P-9528)	739.141 n	(P-9588)
726.201 am	(P-9528)	739.142 n	(P-9588)
726.204 am	(P-9528)	739.143 n	(P-9588)
726.206 am	(P-9528)	739.144 n	(P-9588)
726.207 am	(P-9528)	739.145 n	(P-9588)
726.212 am	(P-9528)	739.146 n	(P-9588)
726.219 am	(P-9528)	739.147 n	(P-9588)
726.219 am	(P-9528)	739.150 n	(P-9588)
726.219 am	(P-9528)	739.151 n	(P-9588)
726.219 am	(P-9528)	739.152 n	(P-9588)
726.219 am	(P-9528)	739.153 n	(P-9588)
726.219 am	(P-9528)	739.154 n	(P-9588)
726.219 am	(P-9528)	739.155 n	(P-9588)
726.219 am	(P-9528)	739.156 n	(P-9588)
726.219 am	(P-9528)	739.157 n	(P-9588)
726.219 am	(P-9528)	739.158 n	(P-9588)
726.219 am	(P-9528)	739.159 n	(P-9588)
726.219 am	(P-9528)	739.160 n	(P-9588)
726.219 am	(P-9528)	739.161 n	(P-9588)
726.219 am	(P-9528)	739.162 n	(P-9588)
726.219 am	(P-9528)	739.163 n	(P-9588)
726.219 am	(P-9528)	739.164 n	(P-9588)
726.219 am	(P-9528)	739.165 n	(P-9588)
726.219 am	(P-9528)	739.166 n	(P-9588)
726.219 am	(P-9528)	739.167 n	(P-9588)
726.219 am	(P-9528)	739.170 n	(P-9588)
726.219 am	(P-9528)	739.171 n	(P-9588)
726.219 am	(P-9528)	739.172 n	(P-9588)
726.219 am	(P-9528)	739.173 n	(P-9588)
726.219 am	(P-9528)	739.174 n	(P-9588)
726.219 am	(P-9528)	739.175 n	(P-9588)
726.219 am	(P-9528)	739.180 n	(P-9588)

TITLE 38	June 25, 1993	TITLE 38	June 25, 1993
130.10 am	(P-5988)	130.10 am	(P-5988)
130.30 am	(P-5988)	130.30 am	(P-5988)
130.60 am	(P-5988)	130.60 am	(P-5988)
180.10 am	(P-8702)	180.10 am	(P-8702)
180.22 n	(P-8726)	180.22 n	(P-8726)
180.30 am	(P-8726)	180.30 am	(P-8726)
180.85 am	(P-8726)	180.85 am	(P-8726)
180.94 n	(P-8726)	180.94 n	(P-8726)
180.94 n	(P-8726)	180.94 n	(P-8726)
180.100 am	(P-8726)	180.100 am	(P-8726)
190.35 n	(P-8726)	190.35 n	(P-8726)
190.70 am	(P-8726)	190.70 am	(P-8726)
190.75 n	(P-8726)	190.75 n	(P-8726)
190.165 am	(P-8726)	190.165 am	(P-8726)
400.110 re	(P-8726)	400.110 re	(P-8726)
400.130 re	(P-8726)	400.130 re	(P-8726)
400.140 re	(P-8726)	400.140 re	(P-8726)
400.141 re	(P-8726)	400.141 re	(P-8726)
400.142 re	(P-8726)	400.142 re	(P-8726)
400.143 re	(P-8726)	400.143 re	(P-8726)
400.150 re	(P-8726)	400.150 re	(P-8726)
400.205 re	(P-8726)	400.205 re	(P-8726)
400.210 re	(P-8726)	400.210 re	(P-8726)
400.220 re	(P-8726)	400.220 re	(P-8726)
400.230 re	(P-8726)	400.230 re	(P-8726)
400.240 re	(P-8726)	400.240 re	(P-8726)
400.250 re	(P-8726)	400.250 re	(P-8726)
400.260 re	(P-8726)	400.260 re	(P-8726)
400.270 re	(P-8726)	400.270 re	(P-8726)
400.280 re	(P-8726)	400.280 re	(P-8726)
400.290 re	(P-8726)	400.290 re	(P-8726)
400.310 re	(P-8726)	400.310 re	(P-8726)
400.410 re	(P-8726)	400.410 re	(P-8726)
400.420 re	(P-8726)	400.420 re	(P-8726)
400.430 re	(P-8726)	400.430 re	(P-8726)
400.440 re	(P-8726)	400.440 re	(P-8726)
400.510 re	(P-8726)	400.510 re	(P-8726)
400.610 re	(P-8726)	400.610 re	(P-8726)
400.615 re	(P-8726)	400.615 re	(P-8726)
400.620 re	(P-8726)	400.620 re	(P-8726)
400.630 re	(P-8726)	400.630 re	(P-8726)
400.640 re	(P-8726)	400.640 re	(P-8726)
400.650 re	(P-8726)	400.650 re	(P-8726)
400.660 re	(P-8726)	400.660 re	(P-8726)
400.665 re	(P-8726)	400.665 re	(P-8726)
400.670 re	(P-8726)	400.670 re	(P-8726)

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400.075 re	(A-4464)	400.1580 re	(A-4464)	450.230 re (A-4475)
400.080 re	(A-4464)	400.1590 re	(A-4464)	450.240 re (A-4475)
400.680 re	(A-4464)	400.1600 re	(A-4464)	450.250 re (A-4475)
400.690 re	(A-4464)	400.1610 re	(A-4464)	450.255 re (A-4475)
400.700 re	(A-4464)	400.1620 re	(A-4464)	450.260 am (P-17570/092; A-3513)
400.710 re	(A-4464)	400.1630 re	(A-4464)	450.260 re (A-4475)
400.720 re	(A-4464)	400.1640 re	(A-4464)	450.270 re (A-4475)
400.810 re	(A-4464)	400.1650 re	(A-4464)	450.280 re (A-4475)
400.910 re	(A-4464)	400.1660 re	(A-4464)	450.290 re (A-4475)
400.1010 re	(A-4464)	400.1670 re	(A-4464)	450.310 re (A-4475)
400.1020 re	(A-4464)	400.1680 re	(A-4464)	450.320 re (A-4475)
400.1030 re	(A-4464)	400.1690 re	(A-4464)	450.330 re (A-4475)
400.1040 re	(A-4464)	400.1700 re	(A-4464)	450.340 re (A-4475)
400.1050 re	(A-4464)	400.1710 re	(A-4464)	450.350 re (A-4475)
400.1060 re	(A-4464)	400.1720 re	(A-4464)	450.410 re (A-4475)
400.1070 re	(A-4464)	400.1730 re	(A-4464)	450.420 re (A-4475)
400.1080 re	(A-4464)	400.1740 re	(A-4464)	450.425 re (P-17570/092; A-3513)
400.1090 re	(A-4464)	400.1750 re	(A-4464)	450.430 re (A-4475)
400.1110 re	(A-4464)	400.1760 re	(A-4464)	450.440 re (A-4475)
400.1120 re	(A-4464)	400.1770 re	(A-4464)	450.450 re (A-4475)
400.1130 re	(A-4464)	400.1780 re	(A-4464)	450.460 re (A-4475)
400.1140 re	(A-4464)	400.1790 re	(A-4464)	450.470 re (A-4475)
400.1150 re	(A-4464)	400.1800 re	(A-4464)	450.475 re (A-4475)
400.1160 re	(A-4464)	400.1810 re	(A-4464)	450.480 re (A-4475)
400.1170 re	(A-4464)	400.1820 re	(A-4464)	450.490 re (A-4475)
400.1180 re	(A-4464)	400.1830 re	(A-4464)	450.500 re (A-4475)
400.1190 re	(A-4464)	400.1840 re	(A-4464)	450.510 re (A-4475)
400.1200 re	(A-4464)	400.1850 re	(A-4464)	450.520 re (A-4475)
400.1210 re	(A-4464)	400.1860 re	(A-4464)	450.530 re (A-4475)
400.1220 re	(A-4464)	400.1870 re	(A-4464)	450.540 re (A-4475)
400.1310 re	(A-4464)	400.1880 re	(A-4464)	450.550 re (A-4475)
400.1320 re	(A-4464)	400.1890 re	(A-4464)	450.560 re (A-4475)
400.1330 re	(A-4464)	400.1900 re	(A-4464)	450.570 re (A-4475)
400.1340 re	(A-4464)	400.1910 re	(A-4464)	450.580 re (A-4475)
400.1410 re	(A-4464)	400.1920 re	(A-4464)	450.590 re (A-4475)
400.1420 re	(A-4464)	400.1930 re	(A-4464)	450.600 re (A-4475)
400.1430 re	(A-4464)	400.1940 re	(A-4464)	450.610 re (A-4475)
400.1440 re	(A-4464)	400.1950 re	(A-4464)	450.620 re (A-4475)
400.1450 re	(A-4464)	400.1960 re	(A-4464)	450.630 re (A-4475)
400.1460 re	(A-4464)	400.1970 re	(A-4464)	450.640 re (A-4475)
400.1470 re	(A-4464)	400.1980 re	(A-4464)	450.650 re (A-4475)
400.1480 re	(A-4464)	400.1990 re	(A-4464)	450.660 re (A-4475)
400.1490 re	(A-4464)	400.2000 re	(A-4464)	450.670 re (A-4475)
400.1500 re	(A-4464)	400.2010 re	(A-4464)	450.680 re (A-4475)
400.1510 re	(A-4464)	400.2020 re	(A-4464)	450.690 re (A-4475)
400.1520 re	(A-4464)	400.2030 re	(A-4464)	450.700 re (A-4475)
400.1530 re	(A-4464)			450.710 re (A-4475)
400.1540 re	(A-4464)			450.720 re (A-4475)
400.1550 re	(A-4464)			450.730 re (A-4475)
400.1560 re	(A-4464)			450.740 re (A-4475)
400.1570 re	(A-4464)			450.750 re (A-4475)
				450.760 re (A-4475)
				450.770 re (A-4475)
				450.780 re (A-4475)
				450.790 re (A-4475)
				450.800 re (A-4475)
				450.810 re (A-4475)
				450.820 re (A-4475)
				450.830 re (A-4475)
				450.840 re (A-4475)
				450.850 re (A-4475)
				450.860 re (A-4475)
				450.870 re (A-4475)
				450.880 re (A-4475)
				450.890 re (A-4475)
				450.900 re (A-4475)
				450.910 re (A-4475)
				450.920 re (A-4475)
				450.930 re (A-4475)
				450.940 re (A-4475)

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450.950 re	(A-4475)	1000.1620 re (A-4464)
450.1010 re	(A-4475)	1000.1630 re (A-4464)
450.1020 am	(P-1757092; A-3513)	1000.1640 re (A-4464)
450.1020 re	(A-4475)	1000.1650 re (A-4464)
450.1030 re	(A-4475)	1000.1660 re (A-4464)
450.1110 re	(A-4475)	1000.1670 re (A-4464)
450.1120 re	(A-4475)	1000.1680 re (A-4464)
450.1130 re	(A-4475)	1000.1690 re (A-4464)
450.1140 re	(A-4475)	1000.1700 re (A-4464)
450.1150 re	(A-4475)	1000.1710 re (A-4464)
450.1160 re	(A-4475)	1000.1720 re (A-4464)
450.1170 re	(A-4475)	1000.1730 re (A-4464)
450.1180 re	(A-4475)	1000.1740 re (A-4464)
450.1190 re	(A-4475)	1000.1750 re (A-4464)
450.1200 re	(A-4475)	1000.1760 re (A-4464)
450.1210 re	(A-4475)	1000.1770 re (A-4464)
450.1220 re	(A-4475)	1000.1780 re (A-4464)
450.1230 re	(A-4475)	1000.1790 re (A-4464)
450.1240 re	(A-4475)	1000.1800 re (A-4464)
450.1250 re	(A-4475)	1000.1810 re (A-4464)
450.1305 re	(A-4475)	1000.1905 re (A-4464)
450.1310 re	(A-4475)	1000.1910 re (A-4464)
450.1315 re	(A-4475)	1000.1915 re (A-4464)
450.1320 re	(A-4475)	1000.1920 re (A-4464)
450.1325 re	(A-4475)	1000.1925 re (A-4464)
450.1330 re	(A-4475)	1000.1930 re (A-4464)
450.1335 am	(P-1757092; A-3513)	1000.1935 re (A-4464)
450.1340 re	(A-4475)	1000.1940 re (A-4464)
450.1345 re	(A-4475)	1000.1945 re (A-4464)
450.1350 re	(A-4475)	1000.1950 re (A-4464)
450.1360 re	(A-4475)	1000.1955 re (A-4464)
450.1410 re	(A-4475)	1000.1970 re (A-4464)
450.1415 re	(A-4475)	1000.1972 re (A-4464)
450.1510 re	(A-4475)	1000.1975 re (A-4464)
450.1520 re	(A-4475)	1000.1980 re (A-4464)
450.1530 re	(A-4475)	1000.1982 re (A-4464)
450.1540 re	(A-4475)	1000.1985 re (A-4464)
450.1550 re	(A-4475)	1000.1990 re (A-4464)
450.1560 re	(A-4475)	1000.1995 re (A-4464)
450.1570 re	(A-4475)	1000.1997 re (A-4464)
450.1580 re	(A-4475)	1000.2005 re (A-4464)
450.1590 re	(A-4475)	1000.2010 re (A-4464)
450.1600 re	(A-4475)	1000.2020 re (A-4464)
450.1610 re	(A-4475)	1000.2030 re (A-4464)
450.1620 re	(A-4475)	1000.2040 re (A-4464)
450.1630 re	(A-4475)	1000.2050 re (A-4464)
450.1640 re	(A-4475)	1000.2055 re (A-4464)

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450.950 re	(A-4475)	1000.1620 re (A-4475)
450.1010 re	(A-4475)	1000.1630 re (A-4475)
450.1020 am	(P-1757092; A-3513)	1000.1640 re (A-4475)
450.1020 re	(A-4475)	1000.1650 re (A-4475)
450.1030 re	(A-4475)	1000.1660 re (A-4475)
450.1110 re	(A-4475)	1000.1670 re (A-4475)
450.1120 re	(A-4475)	1000.1680 re (A-4475)
450.1130 re	(A-4475)	1000.1690 re (A-4475)
450.1140 re	(A-4475)	1000.1700 re (A-4475)
450.1150 re	(A-4475)	1000.1710 re (A-4475)
450.1160 re	(A-4475)	1000.1720 re (A-4475)
450.1170 re	(A-4475)	1000.1730 re (A-4475)
450.1180 re	(A-4475)	1000.1740 re (A-4475)
450.1190 re	(A-4475)	1000.1750 re (A-4475)
450.1200 re	(A-4475)	1000.1760 re (A-4475)
450.1210 re	(A-4475)	1000.1770 re (A-4475)
450.1220 re	(A-4475)	1000.1780 re (A-4475)
450.1230 re	(A-4475)	1000.1790 re (A-4475)
450.1240 re	(A-4475)	1000.1800 re (A-4475)
450.1250 re	(A-4475)	1000.1810 re (A-4475)
450.1305 re	(A-4475)	1000.1905 re (A-4475)
450.1310 re	(A-4475)	1000.1910 re (A-4475)
450.1315 re	(A-4475)	1000.1915 re (A-4475)
450.1320 re	(A-4475)	1000.1920 re (A-4475)
450.1325 re	(A-4475)	1000.1925 re (A-4475)
450.1330 re	(A-4475)	1000.1930 re (A-4475)
450.1335 am	(P-1757092; A-3513)	1000.1935 re (A-4475)
450.1340 re	(A-4475)	1000.1940 re (A-4475)
450.1345 re	(A-4475)	1000.1945 re (A-4475)
450.1350 re	(A-4475)	1000.1950 re (A-4475)
450.1360 re	(A-4475)	1000.1955 re (A-4475)
450.1410 re	(A-4475)	1000.1970 re (A-4475)
450.1415 re	(A-4475)	1000.1972 re (A-4475)
450.1510 re	(A-4475)	1000.1975 re (A-4475)
450.1520 re	(A-4475)	1000.1980 re (A-4475)
450.1530 re	(A-4475)	1000.1982 re (A-4475)
450.1540 re	(A-4475)	1000.1985 re (A-4475)
450.1550 re	(A-4475)	1000.1990 re (A-4475)
450.1560 re	(A-4475)	1000.1995 re (A-4475)
450.1570 re	(A-4475)	1000.1997 re (A-4475)
450.1580 re	(A-4475)	1000.2005 re (A-4475)
450.1590 re	(A-4475)	1000.2010 re (A-4475)
450.1600 re	(A-4475)	1000.2020 re (A-4475)
450.1610 re	(A-4475)	1000.2030 re (A-4475)
450.1620 re	(A-4475)	1000.2040 re (A-4475)
450.1630 re	(A-4475)	1000.2050 re (A-4475)
450.1640 re	(A-4475)	1000.2055 re (A-4475)

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1000.2066	(A-4464)	1050.340	re	(A-4475)
1000.2070	(A-4464)	1050.350	re	(A-4475)
1000.2105	(A-4464)	1050.410	re	(A-4475)
1000.2110	(A-4464)	1050.420	re	(A-4475)
1000.2120	(A-4464)	1050.425	re	(A-4475)
1000.2200	(A-4464)	1050.430	re	(A-4475)
1000.2300	(A-4464)	1050.440	re	(A-4475)
1000.2310	(A-4464)	1050.450	re	(A-4475)
1000.2320	(A-4464)	1050.460	re	(A-4475)
1000.2330	(A-4464)	1050.470	re	(A-4475)
1000.2340	(A-4464)	1050.475	re	(A-4475)
1000.2400	(A-4464)	1050.480	re	(A-4475)
1000.2410	(A-4464)	1050.485	re	(A-4475)
1000.2420	(A-4464)	1050.490	re	(A-4475)
1000.2500	(A-4464)	1050.620	re	(A-4475)
1000.2510	(A-4464)	1050.630	re	(A-4475)
1000.2520	(A-4464)	1050.640	re	(A-4475)
1000.2530	(A-4464)	1050.650	re	(A-4475)
1000.2540	(A-4464)	1050.660	re	(A-4475)
1000.2550	(A-4464)	1050.710	re	(A104475)
1000.2700	(A-4464)	1050.720	re	(A-4475)
1000.2710	(A-4464)	1050.730	re	(A-4475)
1050.110	(A-4475)	1050.740	re	(A-4475)
1050.115	(A-4475)	1050.750	re	(A-4475)
1050.120	(A-4475)	1050.810	re	(A-4475)
1050.125	(A-4475)	1050.820	re	(A-4475)
1050.130	(A-4475)	1050.830	re	(A-4475)
1050.135	(A-4475)	1050.840	re	(A-4475)
1050.140	(A-4475)	1050.850	re	(A-4475)
1050.145	(A-4475)	1050.860	re	(A-4475)
1050.150	(A-4475)	1050.910	re	(A-4475)
1050.160	(A-4475)	1050.920	re	(A-4475)
1050.165	(A-4475)	1050.930	re	(A-4475)
1050.170	(A-4475)	1050.940	re	(A-4475)
1050.175	(A-4475)	1050.950	re	(A-4475)
1050.185	(A-4475)	1050.1010	re	(A-4475)
1050.210	(A-4475)	1050.1020	re	(A-4475)
1050.215	(A-4475)	1050.1030	re	(A-4475)
1050.220	(A-4475)	1050.1110	re	(A-4475)
1050.240	(A-4475)	1050.1120	re	(A-4475)
1050.250	(A-4475)	1050.1130	re	(A-4475)
1050.255	(A-4475)	1050.1140	re	(A-4475)
1050.260	(A-4475)	1050.1150	re	(A-4475)
1050.270	(A-4475)	1050.1160	re	(A-4475)
1050.280	(A-4475)	1050.1170	re	(A-4475)
1050.290	(A-4475)	1050.1175	re	(A-4475)
1050.310	(A-4475)	1050.1210	re	(A-4475)
1050.320	(A-4475)	1050.1220	re	(A-4475)

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1050.1250	(A-4475)	1075.1805 n	(P-2727; A-8894)	
1050.1260	(A-4475)	1075.1810 n	(P-2727; A-8894)	
1050.1305	(A-4475)	1075.1815 n	(P-2727; A-8894)	
1050.1310	(A-4475)	1075.1820 n	(P-2727; A-8894)	
1050.1315	(A-4475)	1075.1825 n	(P-2727; A-8894)	
1050.1320	(A-4475)	1075.1830 n	(P-2727; A-8894)	
1050.1325	(A-4475)	1075.1835 n	(P-2727; A-8894)	
1050.1330	(A-4475)	1075.1840 n	(P-2727; A-8894)	
1050.1335	(A-4475)	1075.1845 n	(P-2727; A-8894)	
1050.1340	(A-4475)	1075.1850 n	(P-2727; A-8894)	
1050.1345	(A-4475)	1075.1855 n	(P-2727; A-8894)	
1050.1350	(A-4475)	1075.1860 n	(P-2727; A-8894)	
1050.1355	(A-4475)	1075.1865 n	(P-2727; A-8894)	
1050.1360	(A-4475)	1075.1870 n	(P-2727; A-8894)	
1050.1410	(A-4475)	1075.1875 n	(P-2727; A-8894)	
1050.1420	(A-4475)	1075.1880 n	(P-2727; A-8894)	
1050.1510	(A-4475)	1075.1885 n	(P-2727; A-8894)	
1050.1520	(A-4475)	1075.1890 n	(P-2727; A-8894)	
1050.1530	(A-4475)	1075.1895 n	(P-2727; A-8894)	
1050.1540	(A-4475)	1075.1900 n	(P-2727; A-8894)	
1050.1550	(A-4475)	1075.1905 n	(P-2727; A-8894)	
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	(P-16971; A-8176)	130.40	r	(P-11; A-7212)
	(P-16971; A-8176)	130.50	r	(P-11; A-7212)
	(P-16971; A-8176)	130.60	r	(P-11; A-7212)
	(P-16971; A-8176)	130.70	r	(P-11; A-7212)
	(P-16971; A-8176)	130.80	r	(P-11; A-7212)
	(P-16971; A-8176)	130.90	r	(P-11; A-7212)
	(P-16971; A-8176)	130.100	r	(P-11; A-7212)
TITLE 48	(P-16971; A-8176)	130.110	r	(P-11; A-7212)
	(P-16971; A-8176)	370.01	am	(P-11713/92; A-319)
	(P-16971; A-8176)	370.02	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.103	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.104	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.105	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.106	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.107	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.108	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.109	am	(P-11713/92; A-319)
TITLE 49	(P-11378/92; A-1006)	370.110	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.111	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.112	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.113	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.201	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.202	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.203	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.204	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.205	am	(P-11713/92; A-319)
	(P-11378/92; A-1006)	370.206	am	(P-11713/92; A-319)

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TITLE 77 (CONT'D)			TITLE 77 (CONT'D)		
790.1350	am	(P-17496/92; W-7075)	790.2605	am	(P-17496/92; W-7075)
790.1360	f	(P-7198) (E-7283)	790.2613	am	(P-7198) (E-7283)
790.1370	f	(P-7198) (E-7283)	790.2614	f	(P-7198) (E-7283)
790.1386	f	(P-7198) (E-7283)	790.2617	f	(P-7198) (E-7283)
790.1388	am	(P-17496/92; W-7075)	790.2618	am	(P-17496/92; W-7075)
790.1390	am	(P-7198) (E-7283)	790.2620	f	(P-7198) (E-7283)
790.1418	am	(P-17496/92; W-7075)	790.2645	f	(P-7198) (E-7283)
790.1420	f	(P-7198) (E-7283)	790.2655	f	(P-7198) (E-7283)
790.1423	f	(P-7198) (E-7283)	790.2660	f	(P-7198) (E-7283)
790.1425	f	(P-7198) (E-7283)	790.2661	am	(P-17496/92; W-7075)
790.1440	f	(P-7198) (E-7283)	790.2662	am	(P-17496/92; W-7075)
790.1460	f	(P-7198) (E-7283)	790.2663	f	(P-7198) (E-7283)
790.1490	f	(P-17496/92; W-7075)	790.2668	f	(P-7198) (E-7283)
790.1500	f	(P-7198) (E-7283)	790.2672	f	(P-7198) (E-7283)
790.1540	f	(P-7198) (E-7283)	790.2700	f	(P-7198) (E-7283)
790.1560	am	(P-17496/92; W-7075)	790.2740	f	(P-7198) (E-7283)
790.1565	n	(P-17496/92; W-7075)	790.2780	f	(P-7198) (E-7283)
790.1570	f	(P-7198) (E-7283)	790.2800	f	(P-7198) (E-7283)
790.1573	f	(P-7198) (E-7283)	790.2805	f	(P-7198) (E-7283)
790.1577	am	(P-17496/92; W-7075)	790.2820	f	(P-7198) (E-7283)
790.1580	f	(P-7198) (E-7283)	790.2860	f	(P-7198) (E-7283)
790.1620	f	(P-7198) (E-7283)	790.2900	f	(P-7198) (E-7283)
790.1660	f	(P-7198) (E-7283)	790.2902	f	(P-7198) (E-7283)
790.1685	f	(P-7198) (E-7283)	790.2904	f	(P-7198) (E-7283)
790.1686	f	(P-7198) (E-7283)	790.2908	f	(P-7198) (E-7283)
790.1697	f	(P-7198) (E-7283)	790.2915	f	(P-7198) (E-7283)
790.1700	f	(P-7198) (E-7283)	790.2928	am	(P-17496/92; W-7075)
790.1706	f	(P-7198) (E-7283)	790.2932	am	(P-17496/92; W-7075)
790.1708	f	(P-7198) (E-7283)	790.2940	f	(P-7198) (E-7283)
790.1710	f	(P-7198) (E-7283)	790.2946	f	(P-7198) (E-7283)
790.1719	f	(P-7198) (E-7283)	790.2980	f	(P-7198) (E-7283)
790.1721	f	(P-7198) (E-7283)	790.3020	f	(P-7198) (E-7283)
790.1740	f	(P-7198) (E-7283)	790.3021	f	(P-7198) (E-7283)
790.1780	f	(P-7198) (E-7283)	790.3023	f	(P-7198) (E-7283)
790.1820	f	(P-7198) (E-7283)	790.3025	f	(P-7198) (E-7283)
790.1835	f	(P-7198) (E-7283)	790.3027	am	(P-17496/92; W-7075)
790.1842	f	(P-7198) (E-7283)	790.3028	f	(P-7198) (E-7283)
790.1846	f	(P-7198) (E-7283)	790.3029	f	(P-7198) (E-7283)
790.1848	f	(P-7198) (E-7283)	790.3030	f	(P-7198) (E-7283)
790.1856	f	(P-17496/92; W-7075)	790.3032	f	(P-7198) (E-7283)
790.1858	f	(P-7198) (E-7283)	790.3033	f	(P-7198) (E-7283)

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TITLE 77 (CONT'D)			TITLE 77 (CONT'D)		
790.4580	f	(P-7198) (E-7283)	790.4580	f	(P-7198) (E-7283)
790.3900	f	(P-7198) (E-7283)	790.4584	f	(P-7198) (E-7283)
790.3902	n	(P-7198) (E-7283)	790.5544	f	(P-7198) (E-7283)
790.3904	am	(P-7198) (E-7283)	790.5555	f	(P-7198) (E-7283)
790.3907	f	(P-7198) (E-7283)	790.5580	f	(P-7198) (E-7283)
790.3910	f	(P-7198) (E-7283)	790.5586	f	(P-7198) (E-7283)
790.3914	am	(P-7198) (E-7283)	790.5620	f	(P-7198) (E-7283)
790.3920	f	(P-7198) (E-7283)	790.5640	f	(P-7198) (E-7283)
790.3924	am	(P-7198) (E-7283)	790.5660	f	(P-7198) (E-7283)
790.3930	f	(P-7198) (E-7283)	790.5700	f	(P-7198) (E-7283)
790.3940	f	(P-7198) (E-7283)	790.5720	f	(P-7198) (E-7283)
790.3945	f	(P-7198) (E-7283)	790.5740	f	(P-7198) (E-7283)
790.3960	f	(P-7198) (E-7283)	790.5780	f	(P-7198) (E-7283)
790.3980	f	(P-7198) (E-7283)	790.5788	am	(P-7198) (E-7283)
790.4012	f	(P-7198) (E-7283)	790.5792	f	(P-7198) (E-7283)
790.4020	f	(P-7198) (E-7283)	790.5795	f	(P-7198) (E-7283)
790.4040	f	(P-7198) (E-7283)	790.5800	f	(P-7198) (E-7283)
790.4060	f	(P-7198) (E-7283)	790.5807	f	(P-7198) (E-7283)
790.4100	am	(P-7198) (E-7283)	790.5820	f	(P-7198) (E-7283)
790.4140	f	(P-7198) (E-7283)	790.5830	f	(P-7198) (E-7283)
790.4150	f	(P-7198) (E-7283)	790.5835	f	(P-7198) (E-7283)
790.4173	f	(P-7198) (E-7283)	790.5837	f	(P-7198) (E-7283)
790.4180	f	(P-7198) (E-7283)	790.5840	f	(P-7198) (E-7283)
790.4200	f	(P-7198) (E-7283)	790.5860	f	(P-7198) (E-7283)
790.4220	am	(P-7198) (E-7283)	790.5872	am	(P-7198) (E-7283)
790.4260	f	(P-7198) (E-7283)	790.5893	f	(P-7198) (E-7283)
790.4300	f	(P-7198) (E-7283)	790.5900	f	(P-7198) (E-7283)
790.4340	am	(P-7198) (E-7283)	790.5924	f	(P-7198) (E-7283)
790.4380	f	(P-7198) (E-7283)	790.5940	am	(P-7198) (E-7283)
790.4382	#	(P-7198) (E-7283)	790.5980	f	(P-7198) (E-7283)
790.4384	#	(P-7198) (E-7283)	790.5992	f	(P-7198) (E-7283)
790.4386	f	(P-7198) (E-7283)	790.5996	f	(P-7198) (E-7283)
790.4398	f	(P-7198) (E-7283)	790.6020	f	(P-7198) (E-7283)
790.4420	f	(P-7198) (E-7283)	790.6060	f	(P-7198) (E-7283)
790.4430	f	(P-7198) (E-7283)	790.6100	f	(P-7198) (E-7283)
790.4460	f	(P-7198) (E-7283)	790.6140	f	(P-7198) (E-7283)
790.4395	f	(P-7198) (E-7283)	790.6180	am	(P-7198) (E-7283)
790.4500	f	(P-7198) (E-7283)	790.6220	f	(P-7198) (E-7283)
790.4540	f	(P-7198) (E-7283)	790.6260	f	(P-7198) (E-7283)
			790.6275	f	(P-7198) (E-7283)
			790.6277	am	(P-7198) (E-7283)
			790.6280	f	(P-7198) (E-7283)
			790.6284	f	(P-7198) (E-7283)
			790.6300	f	(P-7198) (E-7283)
			790.6340	f	(P-7198) (E-7283)
			790.6370	am	(P-7198) (E-7283)
			790.6375	f	(P-7198) (E-7283)
			790.6380	f	(P-7198) (E-7283)
			790.6420	f	(P-7198) (E-7283)
			790.6430	am	(P-7198) (E-7283)
			790.6435	f	(P-7198) (E-7283)
			790.6445	f	(P-7198) (E-7283)
			790.6450	f	(P-7198) (E-7283)
			790.6452	f	(P-7198) (E-7283)
			790.6456	f	(P-7198) (E-7283)
			790.6460	f	(P-7198) (E-7283)
			790.6480	f	(P-7198) (E-7283)
			790.6500	f	(P-7198) (E-7283)
			790.6505	am	(P-7198) (E-7283)
			790.6540	f	(P-7198) (E-7283)
			790.6544	f	(P-7198) (E-7283)
			790.6570	am	(P-7198) (E-7283)
			790.6580	f	(P-7198) (E-7283)
			790.6610	am	(P-7198) (E-7283)
			790.6620	f	(P-7198) (E-7283)
			790.6621	f	(P-7198) (E-7283)
			790.6660	f	(P-7198) (E-7283)
			790.6670	f	(P-7198) (E-7283)
			790.6700	f	(P-7198) (E-7283)
			790.6740	am	(P-7198) (E-7283)
			790.6780	f	(P-7198) (E-7283)
			790.6800	f	(P-7198) (E-7283)
			790.6820	f	(P-7198) (E-7283)
			790.6860	f	(P-7198) (E-7283)
			790.6885	f	(P-7198) (E-7283)
			790.6895	f	(P-7198) (E-7283)
			790.6900	f	(P-7198) (E-7283)
			790.6940	f	(P-7198) (E-7283)
			790.6964	f	(P-7198) (E-7283)
			790.6960	f	(P-7198) (E-7283)
			790.6980	f	(P-7198) (E-7283)
			790.7020	f	(P-7198) (E-7283)
			790.7060	f	(P-7198) (E-7283)
			790.7100	f	(P-7198) (E-7283)
			790.7120	f	(P-7198) (E-7283)

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TITLE 77 (CONT'D)	790.7130	(P-7198) (E-7283)	790.7940	r	(P-7198) (E-7283)
	790.7140	(P-7198) (E-7283)	790.7980	r	(P-7198) (E-7283)
	790.7160	(P-7198) (E-7283)	790.8015	r	(P-7198) (E-7283)
	790.7180	(P-7198) (E-7283)	790.8020	r	(P-7198) (E-7283)
	790.7181	(P-7198) (E-7283)	790.8030	am	(P-71496/92; W-7075)
	790.7220	(P-7198) (E-7283)	790.8060	r	(P-7198) (E-7283)
	790.7221	am	790.8100	r	(P-7198) (E-7283)
	790.7223	(P-71496/92; W-7075)	790.8106	r	(P-7198) (E-7283)
	790.7223	(P-7198) (E-7283)	790.8136	r	(P-7198) (E-7283)
	790.7229	(P-7198) (E-7283)	790.8140	r	(P-7198) (E-7283)
	790.7245	am	790.8198	r	(P-7198) (E-7283)
	790.7260	(P-71496/92; W-7075)	790.8220	r	(P-7198) (E-7283)
	790.7263	(P-7198) (E-7283)	790.8232	r	(P-7198) (E-7283)
	790.7265	am	790.8244	r	(P-7198) (E-7283)
	790.7272	(P-7198) (E-7283)	790.8248	am	(P-71496/92; W-7075)
	790.7278	am	790.8260	r	(P-7198) (E-7283)
	790.7280	am	790.8290	r	(P-7198) (E-7283)
	790.7284	(P-7198) (E-7283)	790.8300	r	(P-7198) (E-7283)
	790.7291	(P-7198) (E-7283)	790.8340	r	(P-7198) (E-7283)
	790.7296	(P-71496/92; W-7075)	790.8378	r	(P-7198) (E-7283)
	790.7300	(P-7198) (E-7283)	790.8380	r	(P-7198) (E-7283)
	790.7340	(P-7198) (E-7283)	790.8420	r	(P-7198) (E-7283)
	790.7380	(P-7198) (E-7283)	790.8460	r	(P-7198) (E-7283)
	790.7400	(P-7198) (E-7283)	790.8500	r	(P-7198) (E-7283)
	790.7420	(P-7198) (E-7283)	790.8540	r	(P-7198) (E-7283)
	790.7460	(P-7198) (E-7283)	790.8580	r	(P-7198) (E-7283)
	790.7500	(P-7198) (E-7283)	790.8580	am	(P-71496/92; W-7075)
	790.7510	(P-7198) (E-7283)	790.8590	r	(P-7198) (E-7283)
	790.7520	(P-71496/92; W-7075)	790.8620	r	(P-7198) (E-7283)
	790.7580	(P-7198) (E-7283)	790.8660	r	(P-7198) (E-7283)
	790.7620	(P-7198) (E-7283)	790.8700	r	(P-7198) (E-7283)
	790.7660	(P-7198) (E-7283)	790.8710	am	(P-71496/92; W-7075)
	790.7700	(P-7198) (E-7283)	790.8724	r	(P-7198) (E-7283)
	790.7740	(P-7198) (E-7283)	790.8727	r	(P-7198) (E-7283)
	790.7780	(P-7198) (E-7283)	790.8730	r	(P-7198) (E-7283)
	790.7820	(P-7198) (E-7283)	790.8760	r	(P-7198) (E-7283)
	790.7828	(P-7198) (E-7283)	790.8835	n	(P-7198) (E-7283)
	790.7834	(P-7198) (E-7283)	790.8860	r	(P-71496/92; W-7075)
	790.7875	(P-7198) (E-7283)	790.8900	r	(P-7198) (E-7283)
	790.7880	(P-7198) (E-7283)	790.8940	r	(P-7198) (E-7283)
	790.7828	(P-7198) (E-7283)	790.8980	r	(P-7198) (E-7283)
	790.7834	(P-7198) (E-7283)	790.9020	r	(P-7198) (E-7283)
	790.7860	(P-7198) (E-7283)	790.9035	am	(P-7198) (E-7283)
	790.7875	n	790.9048	r	(P-7198) (E-7283)
	790.7900	(P-7198) (E-7283)	790.9048	r	(P-7198) (E-7283)

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TITLE 89 (CONT'D)			TITLE 89 (CONT'D)		
113.113 am	121.32 am	(P-7165)	144.150 am	149.10 n	(P-14535/92; A-3217)
113.141 am	121.50 am	(P-7165)	144.175 am	149.25 am	(P-14535/92; A-3217)
113.141 am	121.58 am	(P-7165)	144.175 am	149.50 am	(P-14535/92; A-3217)
113.154 r	121.63 am	(P-7165)	144.200 n	149.75 am	(P-14535/92; A-3217)
113.253 r	121.61 am	(P-14999/92; A-2263)	144.220 n	149.105 am	(P-14535/92; A-3217)
113.253 r	121.41 am	(P-702; A-6804)	144.250 am	149.105 am	(P-14535/92; A-3217)
113.260 am	121.59 am	(P-702; A-6804)	147.5 am	149.125 am	(P-14535/92; A-3217)
113.309 n	121.76 n	(P-14535/92; A-6804)	147.25 am	149.140 am	(P-14535/92; A-3217)
113.330 n	121.60 n	(P-14535/92; A-3202)	147.50 am	149.140 am	(P-14535/92; A-3217)
113.410 am	121.62 am	(P-14535/92; A-3202)	147.150 am	149.140 am	(P-14535/92; A-3217)
113.425 am	121.64 am	(P-17047/92; A-4322)	147.150 am	149.140 am	(P-3820)
113.430 am	121.66 am	(P-17047/92; A-4322)	147.150 am	149.140 am	(P-3820)
113.450 n	121.172 n	(P-17457/92; A-6804)	147.150 am	149.140 am	(P-3820)
113.450 n	121.172 n	(P-13395/92; A-1091)	147.150 am	149.140 am	(P-3820)
114.120 am	121.174 n	(P-15810/92; A-3255)	147.150 am	149.140 am	(P-3820)
114.121 am	121.174 n	(P-15810/92; A-3255)	147.150 am	149.140 am	(P-3820)
114.124 r	121.176 n	(P-15810/92; A-3255)	147.150 am	149.140 am	(P-3820)
114.125 r	121.178 n	(P-15810/92; A-3255)	147.150 am	149.140 am	(P-3820)
114.125 r	121.180 n	(P-15810/92; A-3255)	147.150 am	149.140 am	(P-3820)
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